

and bridge special taxes to such districts; providing that the districts can not levy ad valorem taxes, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 866, "An Act providing for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of cleaning, pressing and dyeing clothing and other materials, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 104, "An Act authorizing the board of trustees of the public free schools of the State of Texas to make appropriations of funds and/or other property, and the income therefrom, heretofore donated, or which may hereafter be donated to them, when specific purpose for such donation has not been designated by the donor, for the purpose of creating and establishing a retirement fund for the superintendents, principals, supervisors, teachers and other regular salaried employees of said schools in their respective districts, and making it mandatory and compulsory for said board of trustees to appropriate said fund and/or other property and the income therefrom for such purpose when petitioned by the donor or his or her legal representatives when said funds and/or other property and the income therefrom heretofore donated has not been appropriated for other purposes, and making provisions for the management and administration of said fund by the said board of trustees; and providing that said board of trustees shall prescribe rules and regulations under which said fund and/or other

property or income therefrom shall be paid to said superintendents, principals, supervisors, teachers and other regular salaried employees; provided no funds derived by taxation shall be used for said purpose; provided that if any part of this Act is declared unconstitutional, such decision shall not affect the validity of the remaining portions of the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

## SIXTY-SEVENTH DAY

(Thursday, May 9, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Farmer
Adamson	Fisher
Adkins	Ford
Aikin	Fox
Alexander	Frazer
Alsup	Fuchs
Ash	Gibson
Atchison	Glass
Beck	Good
Bergman	Graves
Bourne	Gray
Bradbury	Greathouse
Bradford	Hankamer
Broyles	Hanna
Burton	Hardin
Butler of Brazos	Harris of Archer
Butler of Karnes	Harris of Dallas
Cagle	Head
Caldwell	Herzik
Calvert	Hill
Canon	Hodges
Celaya	Hofheinz
Clayton	Holland
Collins	Hoskins
Colson	Howard
Cooper	Huddleston
Cowley	Hunt
Craddock	Hunter
Crossley	Hyder
Daniel	Jackson
Davis	James
Davison of Fisher	Jefferson
Davisson	Jones of Atascosa
of Eastland	Jones of Falls
Dickison	Jones of Runnels
Dunagan	Jones of Shelby
Dunlap of Hays	Jones of Wise
Dunlap of Kleberg	Keefe
Duvall	King
England	Knetsch
Fain	Lange

Lanning	Riddle
Latham	Roach of Angelina
Leath	Roach of Hunt
Lemens	Roane
Leonard	Roark
Lindsey	Roberts
Lotief	Rogers
Lucas	Russell
Luker	Rutta
Mauritz	Settle
McCalla	Shofner
McConnell	Smith
McFarland	Spears
McKee	Stanfield
McKinney	Steward
Moore	Stinson
Morris	Stovall
Morrison	Tarwater
Morse	Tennyson
Newton	Thornton
Nicholson	Tillery
Olsen	Venable
Padgett	Waggoner
Palmer	Walker
Patterson	Wells
Payne	Westfall
Petsch	Wood of Harrison
Pope	Wood of Montague
Quinn	Worley
Reader	Young
Reed of Bowie	Youngblood
Reed of Dallas	

Absent

Colquitt                Scarborough

Absent—Excused

Dwyer                Hartzog  
Fitzwater            Moffett

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain,  
offered the following invocation:

"Almighty God, we thank Thee for the preservation of our lives and the blessings we enjoy, and we praise Thy name for Thy kind providence. Consider us in mercy and lead us in wisdom today. In Christ's name. Amen."

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Hartzog for today, on motion of Mr. Roane.

Mr. Moffett for today, on motion of Mr. Alexander.

Mr. Davison of Fisher for this afternoon, on motion of Mr. Fain.

The following member was granted leave of absence on account of illness:

Mr. Fitzwater for today, on motion of Mr. Jones of Runnels.

ENDORING D. B. HARDEMAN  
FOR CERTAIN POSITION

Mr. Newton offered the following resolution:

H. C. R. No. 150, Endorsing D. B. Hardeman for certain position.

Whereas, D. B. Hardeman of Goliad, Texas, is being urged for the position of assistant director of the press and information division of the Rural Resettlement Administration in Washington, D. C.; and

Whereas, Mr. Hardeman has served with distinction and success as editor-in-chief of the Daily Texan, the oldest and largest college daily in the South; and

Whereas, At a convention of all the editors of college dailies in North America, held in Washington, D. C., in December, 1934, Mr. Hardeman was honored by being chosen national executive chairman of the Intercollegiate Daily Newspaper Association, the highest post in the organization; and

Whereas, Mr. Hardeman's experience in practical journalism together with his training in economics and government fit him for this position; and

Whereas, Mr. Hardeman has a first-hand knowledge of many of the problems of rural life, having spent most of his life on a farm; and

Whereas, This young man, a native of Texas, is thoroughly conversant with conditions in Texas, the largest agricultural State in the Nation, and the probable scene of many of the rural resettlement projects; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That these bodies go on record as endorsing and urging the appointment of D. B. Hardeman of Goliad, Texas, to the position of assistant director of the press and information division of the Rural Resettlement Administration in Washington, D. C.; and be it further

Resolved, That copies of this resolution be sent to Vice-President John N. Garner, Senators Morris Sheppard and Tom Connally, Hon. Rexford Tugwell, head of the Rural Resettlement Administration, and to the members of the Texas delegation in the National House of Representa-

tives, expressing to them our keen desire that this young journalist be favored with this appointment.

Signed—Newton, Daniel, Steward, Lanning, Keefe, Davis, James, Alsup, Thornton, Worley, Smith, Davisson of Eastland, Roark, Jones of Wise, Davison of Fisher, Fain, Morse, Hunter.

The resolution was read second time, and was adopted.

(Mr. Leonard in the Chair.)

# TO MEMORIALIZE CONGRESS IN REGARD TO PASSAGE OF CERTAIN BILL

Mr. Lucas offered the following resolution:

Whereas, The Senate and House of Representatives of the National Congress have passed the Patman Bill, which provides for the immediate payment of the Adjusted Service Certificates of World War Veterans; and

Whereas, This will discharge an acknowledged obligation of the Government; and

Whereas, The circulation of this money into every nook and corner of the United States will aid materially in recovery; now, therefore, be it

Resolved by the House of Representatives of the Texas Legislature, That we memorialize our Texas delegation in the National Congress to support the passage of this bill to a final conclusion; and be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to forward by air mail copies of this resolution to all members of the Texas delegation of the House of Representatives and the Senate of the National Congress.

LUCAS,  
YOUNGBLOOD.

The resolution was read second time.

Mr. Morrison raised a point of order on further consideration of the resolution, on the ground that the time for consideration of resolutions has expired.

The Chair sustained the point of order.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate

has adopted the conference committee report on House Bill No. 85 by the following vote: Yeas, 27; nays, 1.

H. C. R. No. 129, Suspending Joint Rules Nos. 23, 24 and 32 so as to consider and finally dispose of House Bill No. 944.

The Senate has passed

S. B. No. 526, A bill to be entitled "An Act transferring the use and possession of 16.66 acres of land out of the George W. Spear Headright League adjoining Camp Mabry, in Travis County, Texas, title to which is now in the State of Texas, authorizing the Highway Department to pay to the Adjutant General's Department the sum of thirty-two hundred dollars (\$3,200), making an appropriation to the Adjutant General's Department of such sum so received, and authorizing the Adjutant General's Department to purchase for the State of Texas a suitable right of way and entrance to Camp Mabry, and declaring an emergency."

H. B. No. 455, A bill to be entitled "An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Section 22, Chapter 26, Acts, First Called Session, Forty-second Legislature, amending Section 11, Chapter 162, Acts, Regular Session, Forty-third Legislature; and amending Chapter 43, House Bill No. 43, Acts of the Second Called Session of the Forty-third Legislature, 1934." (With amendments.)

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## TO GRANT PERMISSION TO SUE THE STATE

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 47, To grant Em. Wilson and wife permission to sue the State.

Whereas, On March 9, 1933, Em. Wilson and wife, Anna Maude Wilson, sold and conveyed to the State of Texas, land for right of way for State Highway No. 7, said deed conveying 1.13 acres, more or less, in Mills County, Texas, and said deed is recorded in Volume 75, page 430, of the deed records of Mills County, Texas; said deed providing, among other things, that the State Highway

Department would fence the road running through said land and would make an underpass of sufficient dimensions to allow a cow to go through; and

Whereas, The State Highway Department accepted said deed, and built said highway through the land of said Em. Wilson and wife, Anna Maude Wilson, but failed and refused to build an underpass as provided in said deed, and by reason of such failure the pasture of the said Wilsons is completely cut off from the residence situated on said farm, which results in great inconvenience and has caused damages far in excess of the amount paid; and

Whereas, Mills County refuses to pay said additional damage or cause said underpass to be constructed as provided in said deed, claiming that the State of Texas is liable and responsible therefor, and the Highway Department refuses to build said underpass or pay damages for the failure to build said underpass, claiming that Mills County is liable and responsible therefor; and because the State Highway Department and Mills County acted together in the acquiring of said right of way, both the State of Texas and Mills County are necessary parties to suit for specific performance or for damages; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Em. Wilson and wife, Anna Maude Wilson, be, and they are hereby, granted permission to bring suit against the State of Texas in the District Court of Mills County, Texas, either for specific performance of the terms and provisions of said deed, or for damages as a result of the failure of Mills County and the State Highway Department to build an underpass as provided in said deed; and that in case such suit be filed, services of citation or other necessary process may be had upon the Highway Commissioner and the Attorney General with the same force and effect as is made and provided in civil cases.

The resolution was read second time, and was referred, by the Chair, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 57, To grant Herbert McLennan permission to sue the State.

Whereas, It is alleged that on or about the seventh day of May, A. D. 1929, Herbert McLennan, while in the employment of the State Highway Department of Texas, sustained and suffered serious and permanent bodily injury while in line of duty, working as a common laborer in a gravel pit for said State Highway Department near the City of Waco in McLennan County, Texas; said injury is alleged to have been received and sustained by said McLennan as a result of being caught in a cave-in of gravel while he was on duty as an employe of said State Highway Department; and

Whereas, It is alleged that as a result of said accident the said Herbert McLennan suffered and sustained injuries to the bones of his left leg, to wit, fractures in three distinct places and also fractures to his left ankle, which injuries have left him permanently crippled and has greatly reduced his capacity to make a livelihood for himself and family. He is alleged to be permanently barred from doing hard manual labor by reason of such accident. His ability to earn money as a laborer has been materially reduced; and

Whereas, It is alleged that the said Herbert McLennan has never been compensated by the State of Texas for the damage resulting from said injury; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Herbert McLennan, his heirs, executors and administrators, be, and they are hereby, granted permission to bring suit against the State of Texas and against the Highway Department of the State of Texas in any court of competent jurisdiction in Travis County, Texas, in order to ascertain, fix, and award the amount of money, if any, the said Herbert McLennan, his heirs, executors and administrators are entitled to receive from the State of Texas and the Highway Department of the State of Texas as compensation on account of such injury and resulting damages and that in case such suit be filed, service of citation or other necessary process shall be had upon the Chairman of the State Highway Commission of the State of Texas and that the same have the same force and effect as

made and provided in civil cases, and that either one of the parties to said suit shall have the right to appeal.

The resolution was read second time, and was referred, by the Chair, to the Committee on State Affairs.

#### GRANTING PERMISSION TO SUE THE STATE

The Chair laid before the House, for consideration at this time,

S. C. R. No. 34, Granting Mrs. Alma Besch permission to sue the State;

The resolution having heretofore been read second time and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

#### CONFERENCE COMMITTEE RE- PORT ON HOUSE BILL NO. 85

Mr. Duvall submitted the following conference committee report on House Bill No. 85:

Committee Room,

Austin, Texas, May 7, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and Senate on House Bill No. 85, have had the same under consideration, and we recommend that said bill be passed in the form as attached hereto.

"H. B. No. 85,

#### A BILL

#### To Be Entitled

An Act to amend Article 1650 of the Revised Civil Statutes of Texas, of 1925, with respect to the authority of the county auditor to appoint assistants; providing for oath and bond of assistants; providing for an application by the county auditor to the district judges having jurisdiction setting forth number, qualifications, duties and compensation of such assistants; providing for approval and certification of such appointment to the commissioners court by the district judges having jurisdiction; provid-

ing for payment for services of such assistants; limiting the number of assistants in certain counties; providing for appointment of temporary assistants in cases of bona fide emergencies; providing for removal of assistants by the county auditor; providing for stationery, books, supplies, equipment, telephone and postage for such auditors in all counties having a county auditor; repealing all laws in conflict herewith, but providing that nothing herein shall repeal Article 1673 as amended by Chapter 175, Acts of Forty-third Legislature, Regular Session; providing that if any part or section of this Act shall be held unconstitutional, it shall not in anywise affect the remaining part of same, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1650 of the Revised Civil Statutes of Texas, of 1925, be, and the same is hereby, amended so as to read hereafter as follows:

"Article 1650. The county auditor of any county of this State may, at any time, with the consent of the district judge or district judges having jurisdiction as hereinafter provided, appoint a first assistant and other assistants who shall be authorized to discharge such duties as may be assigned to them by the county auditor and provided for by law. In counties where only one assistant is appointed, such assistant shall be authorized to act for the county auditor during his absence or unavoidable detention with respect to such duties as are required by law of the county auditor. In counties in which more than one assistant shall be appointed, the county auditor may designate the assistant who shall be authorized to act for him during his absence or unavoidable detention. All of said assistants shall take the usual oath of office for faithful performance of duty and may be required to give such bond as the county auditor may determine, which bond shall be paid for by the county and shall run in favor of the county and of the county auditor as their interest may appear.

"The county auditor shall prepare a list of the number of deputies sought to be appointed, their duties, qualifications and experience, and the salaries

to be paid each, and shall certify the list to the district judge, or in the event of more than one district judge in the county, to the district judges, and the district judge or the district judges shall then carefully consider the application for the appointment of said assistants and may make all necessary inquiries concerning the qualifications of the persons named, the positions sought to be filled and the reasonableness of the salaries requested, and if, after such consideration, the district judge, or in the event of more than one district judge, a majority of the district judges shall approve the appointments sought to be made or any number thereof, he or they shall prepare a list of the appointees so approved and the salaries to be paid each and certify said list to the commissioners court of said county. The commissioners court shall thereupon order the amount paid from the general fund of said county upon the performance of the services; and said court shall appropriate adequate funds for the purpose; provided that the total number of assistants allowed to any county under this article shall not exceed two (2) assistants in counties having less than fifty thousand (50,000) inhabitants, one assistant in counties having not less than fifty-three thousand nine hundred and thirty-six (53,936), and not more than fifty-four thousand (54,000) inhabitants, according to the last preceding Federal Census, four (4) assistants in counties having between fifty thousand (50,000) and one hundred thousand (100,000) inhabitants, six (6) assistants in counties having between one hundred thousand (100,000) and one hundred and fifty thousand (150,000) inhabitants, ten (10) assistants in counties having between one hundred and fifty thousand (150,000) and two hundred and seventy-five thousand (275,000) inhabitants, and fifteen (15) assistants in counties having more than two hundred and seventy-five thousand (275,000) inhabitants, in each instance according to the last preceding or any future Federal Census, exclusive in each instance of the first assistant, and such temporary assistants as may be needed in cases of bona fide emergencies, the number of such temporary assistants, their salaries and the duration of employment to be recommended by the county auditor but to be determined by the district judge or by a majori-

ty of the district judges as the occasion may require; provided in counties having three hundred and thirty thousand (330,000) inhabitants or more, according to the last preceding or any future Federal Census, in like manner the judges of the district courts may authorize the appointment of additional regular assistants when, in their judgment, a necessity exists therefor. The county auditor shall have the right to discontinue the services of any assistant employed in accordance with the provisions of this article, but no assistant shall be employed except in the manner herein provided. The district judge or district judges giving consent to the auditor to appoint an assistant or assistants shall annually have the right to withdraw such consent, and change the number of assistants permitted.

"The county auditor shall be authorized to provide himself with all necessary ledgers, books, records, blanks, stationery, equipment, telephone and postage at the county's expense, but all purchases thereof shall be made in the manner provided for by law."

Sec. 2. All laws or parts of laws in conflict herewith are hereby repealed; provided that nothing herein contained shall be held to repeal Article 1673 of the Revised Civil Statutes of Texas, of 1925, as amended by the Acts of the Forty-third Legislature, 1933, Chapter 175, Regular Session, or Senate Bill No. 152, Chapter 15, Special Laws of the Regular Session, 1931.

Sec. 3. Provided that if any part or section of this Act shall be held unconstitutional it shall not in anywise affect the remaining part of same.

Sec. 4. The fact that the present law regarding the appointment of assistants to the county auditor and fixing their salaries places such responsibility upon officials who by law must be audited by the county auditor and his assistants, thereby jeopardizing the efficiency of said auditing department, and due to the fact that counties have no lawful authority to procure necessary equipment for auditing departments create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each house, be suspended, and said rule is hereby suspended, and this Act shall take effect

and be in force from and after its passage, and it is so enacted.

RAWLINGS,  
MOORE,  
PACE,  
COLLIE,  
REDDITT,

On the part of the Senate.

CELAYA,  
ALEXANDER,  
GIBSON,  
McCALLA,  
DUVALL,

On the part of the House.

On motion of Mr. Duvall, the conference committee report was adopted by the following vote:

Yeas—111

Adamson	Hofheinz
Adkins	Hoskins
Aikin	Howard
Alexander	Huddleston
Atchison	Hunt
Bourne	Hunter
Bradbury	Hyder
Bradford	Jackson
Broyles	James
Burton	Jones of Falls
Butler of Brazos	Jones of Runnels
Cagle	Jones of Shelby
Caldwell	Jones of Wise
Canon	Keefe
Celaya	King
Collins	Knetsch
Craddock	Latham
Crossley	Leonard
Davis	Lindsey
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Luker
Dickison	McCalla
Dunlap of Hays	McConnell
Duvall	McFarland
England	McKee
Fain	McKinney
Fisher	Moore
Ford	Morris
Fox	Morrison
Fraser	Morse
Fuchs	Newton
Gibson	Nicholson
Glass	Olsen
Graves	Padgett
Gray	Palmer
Greathouse	Patterson
Hankamer	Payne
Hardin	Petsch
Harris of Archer	Pope
Harris of Dallas	Quinn
Head	Reader
Herzik	Reed of Bowie
Hill	Reed of Dallas
Hodges	Riddle

Roach of Angelina	Stinson
Roach of Hunt	Stovall
Roark	Tarwater
Rogers	Thornton
Rutta	Venable
Settle	Walker
Shofner	Westfall
Smith	Wood of Harrison
Spears	Wood of Montague
Stanfield	Worley
Steward	Youngblood

Absent

Alsup	Jefferson
Ash	Jones of Atascosa
Beck	Lange
Bergman	Lanning
Butler of Karnes	Leath
Calvert	Lemens
Colquitt	Mauritz
Colson	Roane
Cooper	Roberts
Cowley	Russell
Daniel	Scarborough
Dunagan	Tennyson
Dunlap of Kleberg	Tillery
Good	Waggoner
Hanna	Wells
Holland	Young

Absent—Excused

Clayton	Fitzwater
Dwyer	Hartzog
Farmer	Moffett

#### HOUSE JOINT RESOLUTION NO. 5 WITH SENATE AMEND- MENTS

The Chair laid before the House, as unfinished business,

H. J. R. No. 5, Proposing an amendment to Section 1-a of Article VIII of the Constitution of the State of Texas, exempting three thousand dollars (\$3,000) of the assessed taxable value of all residence homesteads, as now defined by law, from all State, county, city, town, district, and other political subdivision purposes, etc. (With Senate amendments.)

With motion by Mr. Reed of Bowie that the House do not concur in Senate amendments, and request the appointment of a conference committee to adjust the differences between the House and Senate, pending.

Mr. Reed of Bowie withdrew the pending motion, and moved that the House concur in the Senate amendments.

Mr. Greathouse moved a call of the House for the purpose of maintain-

ing a quorum, pending consideration of House Joint Resolution No. 5, and the call was duly ordered.

On motion of Mr. Greathouse, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

Mr. Alsup moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the resolution.

Mr. Westfall moved the previous question on the pending motions, and the motion was not seconded.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 49, A bill to be entitled "An Act to amend Article 2956, Revised Civil Statutes of 1925, as amended by the Regular Session of the Forty-second Legislature, and as amended by the Regular Session of the Forty-third Legislature, and declaring an emergency." (With amendment.)

H. B. No. 68, A bill to be entitled "An Act authorizing counties, municipalities, political subdivisions and taxing districts to sell to the Reconstruction Finance Corporation, or any other governmental agency, at less than par, and/or to compromise or adjust bonds held by it by selling and/or exchanging the same to the Reconstruction Finance Corporation, or any other governmental agency, at an agreed price which may be less than par, and declaring an emergency." (With amendment.)

H. B. No. 169, A bill to be entitled "An Act increasing the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than seventy-seven thousand, and not more than seventy-seven thousand six hundred, according to the preceding Federal Census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency." (With amendment.)

H. B. No. 175, A bill to be entitled "An Act providing for the gathering of statistical information on the catch of the various marine products along the Texas coast; providing a penalty and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 2 in the County of Johnson; to place such indebtedness on a parity with bonds, warrants, and other evidence of indebtedness heretofore authorized to be paid out of the 'county and district road highway fund,' etc., and declaring an emergency." (With amendment.)

H. B. No. 278, A bill to be entitled "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico, authorized by Act of the Regular Session of the Forty-second Legislature, and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature, and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act to regulate the quality of milk sold, or offered or exposed for sale, to prevent the sale of any milk from which anything has been extracted or to which anything has been added, except butterfat, and to prescribe a minimum butterfat content for milk which is herein defined; to provide that containers for milk shall truthfully state the minimum butterfat content; etc., and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act to fix the salaries and compensation in counties with a population of not less than nine thousand seven hundred and ten (9,710) inhabitants nor more than nine thousand seven hundred and twenty-five (9,725) inhabitants, according to the last Federal Census, and counties with a population with not less than eighteen thousand five hundred and twenty-eight (18,528) inhabitants, nor more than eighteen thousand five hundred and fifty (18,550) inhabitants, according to the last Federal Census as to population, etc., and declaring an emergency." (With amendment.)

H. B. No. 427, A bill to be entitled "An Act amending Article 3899 of



the Revised Civil Statutes of 1925, as amended by Acts of the Forty-third Legislature, passed in its Regular Session, the same being Section 4, of Chapter 220, of Senate Bill No. 209; providing for the filing of an itemized sworn statement of all of the actual and necessary expenses incurred by certain officers; providing for an audit by the county auditor or commissioners court; providing for approval or rejection, etc., and declaring an emergency." (With amendment.)

H. B. No. 591, A bill to be entitled "An Act providing for the sale of State property purchased from funds appropriated to the State Game, Fish, and Oyster Commission; the manner therefor; the disposition to be made of the money from any such sale, and declaring an emergency."

H. B. No. 635, A bill to be entitled "An Act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this State for public works projects, and declaring an emergency." (With amendment.)

H. B. No. 666, A bill to be entitled "An Act making applicable and available to school districts and municipal corporations which have power to levy and/or collect their own taxes all of the provisions of Title 122 of the Revised Civil Statutes of Texas, 1925, pertaining to the manner of assessment and collection of taxes and enforcement of collection of delinquent taxes, together with all liens, rights, and remedies therein given to the State and county, and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act amending Article 3902 of the Revised Civil Statutes of 1925, as amended by Chapter 214, Acts of the Regular Session of the Forty-second Legislature, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, etc."

H. B. No. 712, A bill to be entitled "An Act declaring two-year closed season on wild fox in certain coun-

ties; providing for the enforcement of this Act, and declaring an emergency."

H. B. No. 715, A bill to be entitled "An Act to amend Chapter 207 of the Acts of the Forty-first Legislature, otherwise known as Article 3899-b (which authorizes the commissioners courts to pay from county funds various expenses of certain officers); etc."

H. B. No. 783, A bill to be entitled "An Act amending Chapter 7924 of Chapter 4 of the Revised Civil Statutes of 1925, enlarging the powers of eminent domain of fresh water supply districts so as to enable them to use existing pipe lines, upon the payment of fair and just compensation, where such use will not impair the supply or service of the owner, and declaring an emergency."

H. B. No. 891, A bill to be entitled "An Act authorizing the appointment of assistant county attorneys in counties containing a population of more than forty thousand (40,000) and less than seventy-five thousand (75,000), and containing a city of more than thirty-five thousand (35,000), such assistants to be compensated by the county, and providing for the compensation of such assistants, and the means, method and manner of paying the same, and declaring an emergency."

H. B. No. 896, A bill to be entitled "An Act authorizing depositories of public funds, now authorized by law to pledge securities in lieu of personal or surety depository bonds, to pledge Home Owners' Loan Corporation bonds as such security; providing this Act shall be cumulative and in addition to all existing laws relating to depository bonds, and declaring an emergency." (With amendment.)

H. B. No. 938, A bill to be entitled "An Act authorizing county attorneys in counties of not less than 30,000 nor more than 50,000 inhabitants, to appoint a stenographer, upon application to the commissioners court for authority; providing maximum compensation to be paid such stenographer; providing such compensation shall be paid out of fees of office of such county attorneys, and declaring an emergency."

H. B. No. 945, A bill to be entitled "An Act granting to John W. Goodrum of Guadalupe County, Texas, the right or permission to bring suit against the State of Texas and the State Highway Department in the District Court of Travis County, Texas, and declaring an emergency."

H. B. No. 967, A bill to be entitled "An Act to repeal House Bill No. 557, Acts of the Regular Session of the Forty-third Legislature, which provides for a closed season on quail in Archer County, for a period of three years, and prescribing a penalty for violation thereof, and declaring an emergency."

H. B. No. 982, A bill to be entitled "An Act making it unlawful to use seines or nets except those of certain dimensions of mesh for taking fish from waters in Bastrop County; providing dimensions of mesh; etc."

H. B. No. 847, A bill to be entitled "An Act prohibiting the transportation by any one person at any one time of more than one hundred and twenty-five (125) minnows taken from the waters of Falls County, Texas, beyond the borders of such county, providing a penalty, and declaring an emergency."

H. B. No. 990, A bill to be entitled "An Act requiring a hunting license of all those over seventeen years of age hunting in certain counties; requiring a fishing license of all those over seventeen years of age fishing in certain counties; fixing the fees for said licenses and the fee to be retained by the collecting officer; etc., and declaring an emergency." (With amendments.)

H. B. No. 862, A bill to be entitled "An Act making it an offense for any person to forge the name of any agent, officer or employe of the Railroad Commission of Texas to a permit or tender of the Railroad Commission of Texas relating to crude petroleum oil or natural gas or any product or by-product of either; making it an offense for any person to forge the name of any other person to such a tender or permit; making it an offense for any person to knowingly use such a forged instrument to induce another to handle or transport any crude petroleum oil or

natural gas or any product or by-product of either; etc., and declaring an emergency."

H. B. No. 985, A bill to be entitled "An Act fixing the fees and salary of the official shorthand reporter of the County Court of Jefferson County at Law, Jefferson County, Texas; etc."

H. B. No. 987, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to issue surface leases for a term not exceeding 99 years to any University lands in El Paso County, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 959

Mr. Stinson offered the following resolution:

H. C. R. No. 161, Authorizing certain correction in House Bill No. 959.

Whereas, House Bill No. 959 has passed the House and Senate; and

Whereas, Said bill contains a typographical error; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to make the following correction: Change the figure "2" in line 3 of Section 3 to the figure "1."

The resolution was read second time, and was adopted.

#### AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 963

Mr. Steward offered the following resolution:

H. C. R. No. 163, Authorizing certain correction in House Bill No. 963.

Whereas, House Bill No. 963 has passed the House and Senate; and

Whereas, Said bill was amended in the Senate and the caption was not amended to conform; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to make the caption of House Bill No. 963 conform to the body of the bill.

The resolution was read second time, and was adopted.

### TO SUSPEND CERTAIN JOINT RULES

Mr. Duvall offered the following resolution:

H. C. R. No. 138, To suspend certain Joint Rules to consider House Bill No. 746.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 23, 24, and 32 of the Joint Rules of the House and Senate be, and the same are hereby, suspended in order that the House may take up and consider, until finally disposed of, House Bill No. 746.

The resolution was read second time, and was adopted.

### TO SUSPEND CERTAIN JOINT RULES

Mr. Lotief offered the following resolution:

H. C. R. No. 144, To suspend certain Joint Rules to consider House Bill No. 997.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules Nos. 23, 24, and 32, Joins Rules of the House and Senate, so suspended so as to permit consideration by both houses of House Bill No. 997, same being a bill to allow Joe H. Jones to sue the State.

The resolution was read second time, and was adopted.

### TO SUSPEND CERTAIN JOINT RULES

Mr. Thornton offered the following resolution:

H. C. R. No. 145, To suspend certain Joint Rules to consider House Bills Nos. 400 and 432.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules Nos. 23, 24, and 32 of both houses be suspended for the purpose of permitting the House to consider immediately House Bills Nos. 400 and 432, an Act amending Article 602 of the Penal Code of Texas, changing the penalty in wife and child desertion cases from a felony to a misdemeanor.

The resolution was read second time, and was adopted.

### TO SUSPEND CERTAIN JOINT RULES

Mr. Hofheinz offered the following resolution:

H. C. R. No. 146, To suspend certain Joint Rules to consider House Bill No. 234.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules Nos. 23, 24, and 32 be suspended in order to permit the House to consider immediately House Bill No. 234, an Act amending Section 26 of Chapter 65, General Laws, Forty-first Legislature, First Called Session.

The resolution was read second time, and was adopted.

### TO SUSPEND CERTAIN JOINT RULES

Mr. Harris of Dallas offered the following resolution:

H. C. R. No. 149, To suspend certain Joint Rules to consider House Bill No. 485.

Be it resolved by the House of Representatives, the Senate of Texas concurring, That Joint Rules Nos. 23, 24 and 32 be hereby suspended for the purpose of taking up and considering House Bill No. 485 until finally disposed of.

HARRIS of Dallas,  
REED of Dallas,  
STINSON.

The resolution was read second time, and was adopted.

### TO SUSPEND CERTAIN JOINT RULES

Mr. Worley offered the following resolution:

H. C. R. No. 153, To suspend certain Joint Rules to consider House Bill No. 1003.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules Nos. 23, 24 and 32 be, and the same are hereby, suspended for the consideration, until final disposition, of House Bill No. 1003.

The resolution was read second time, and was adopted.

### TO SUSPEND CERTAIN JOINT RULES

Mr. Greathouse offered the following resolution:

H. C. R. No. 157, To suspend certain Joint Rules to consider House Bill No. 816.

Be it resolved by the House of Representatives, the Senate concurring,

That Rules Nos. 22, 23 and 32 of the Joint Rules of the House and Senate be suspended for the purpose of considering for the final disposition thereof House Bill No. 816, relating to buses carrying mail, flowers, medicine and other small packages.

The resolution was read second time, and was adopted.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 52, A bill to be entitled "An Act amending the Code of Criminal Procedure, etc., and declaring an emergency." (With enrolled rider.)

S. B. No. 181, A bill to be entitled "An Act to increase the powers and duties of the State Board of Embalming, and declaring an emergency."

The Senate has adopted

S. C. R. No. 62, Suspending all Joint Rules of the House and Senate so as to take up and consider Senate Bill No. 107.

H. C. R. No. 150, Endorsing D. B. Hardeman of Goliad, Texas, for a position in Washington, D. C.

Conference committee report on House Bill No. 755 by the following vote: Yeas, 30; nays, 0.

The Senate has concurred in House amendments to Senate Bill No. 227 by the following vote: Yeas, 30; nays, 0.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Quinn offered the following resolution:

H. C. R. No. 158, To suspend certain Joint Rules to consider House Bill No. 8.

Whereas, The canal companies in the rice belt of Texas raised the water rates during the War when rice was selling around ten dollars (\$10) per barrel, and have not since lowered the rate; and

Whereas, Many of the farmers from Jefferson County petitioned the Board of Water Engineers two years ago to lower the rates, and so far this case is still pending before the Board of Water Engineers; and

Whereas, Under the present law, when a decision is rendered in the above case, and the farmers are not satisfied and wish to appeal from the decision of the Board, an appeal must be filed in Travis County; and

Whereas, House Bill No. 8 provides that if either party is not satisfied with the decision of the Board, that a suit can be filed in the district court where the canals are located so as to permit the court or jury who is familiar with the facts to fix a fair rate for irrigation purposes; therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, with the Senate concurring, That Joint Rules Nos. 23, 24 and 32 be suspended for the purpose of taking up House Bill No. 8 until said bill is disposed of.

The resolution was read second time, and was adopted.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Pope offered the following resolution:

H. C. R. No. 160, To suspend certain Joint Rules to consider House Bills Nos. 179, 171, and 994.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 22, 23, and 24, and all other Rules of the Joint Rules of the House and Senate, be, and the same are hereby, suspended in order that the House may take up and consider, until disposed of, House Bills Nos. 179, 171, and 994, being an Act withdrawing that part of Nueces River bed that lies in the water reservoir of Corpus Christi from lease.

The resolution was read second time, and was adopted.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 21, Relative to fees and mileage of sheriffs; etc."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

**TO PROVIDE THAT HOUSE BILL  
NO. 11 SHALL BE EFEC-  
TIVE IMMEDIATELY**

Mr. Stinson offered the following resolution:

H. C. R. No. 162, To provide that House Bill No. 11 shall be effective immediately.

Whereas, House Bill No. 11, making an appropriation for the Texas Centennial celebration, has passed both houses of the Legislature, and has been signed and approved by the Governor, but said bill failed to receive sufficient votes in the Senate and in the House to put same into immediate effect; and

Whereas, It is very important and essential that work begin immediately on the preparations for the Centennial celebration, and that the Commission of Control provided for in said bill be immediately selected in order that they may begin their important work; and

Whereas, Each day's delay in beginning the preparations for the Centennial will result in increased cost and loss of efficiency due to the necessity of hurried work in order to complete the Centennial project for the opening, which is scheduled for June 1, 1936; and

Whereas, There is no good or logical reason for delaying the effective date of said Centennial bill, and such delay can result in no benefit to the State of Texas but will be in all things detrimental and harmful; and

Whereas, Section 39 of Article III of the Constitution of the State of Texas provides that laws passed by the Legislature shall take effect and go into force ninety (90) days after the adjournment of the session at which they are enacted, unless, in case of emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall, by a vote of two-thirds of all members elected to each house otherwise direct; and

Whereas, The emergency is a part of, and expressed in the body of, said House Bill No. 11; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, by an affirmative vote of two-thirds of all the members elected to each house, That said House Bill No. 11 be, and the same is hereby, declared to be in full force and effect from and after the passage of this resolution; the votes thereon to be taken by yeas and nays and entered upon the Journals of the respective houses; the purpose of this resolution being to put said House Bill No. 11 into immediate effect without waiting for the expiration of the ninety-day period immediately following the adjournment of this the Regular Session of the Forty-fourth Legislature; be it further

Resolved, That when this resolution is finally passed the same shall be printed by the Secretary of State and a copy thereof forwarded to such State officials as may be concerned; and be it further

Resolved, That in case any clause, sentence, or part of this resolution shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect or invalidate the remainder of this resolution, but such invalidity shall be confined in its operation to the clause, sentence, or part thereof declared to be invalid; and be it further

Resolved, That said House Bill No. 11, including this resolution, is an emergency measure, and such emergency is hereby declared for the reasons herein and in said House Bill No. 11 stated; and on account of such emergency, an imperative public necessity demands that the constitutional rule, requiring bills to be read on three several days in each house, be suspended, and said rule is hereby suspended, and said House Bill No. 11 and this resolution shall be in force and take effect from and after the passage hereof, and it is so enacted.

STINSON,  
REED of Dallas,  
HARRIS of Dallas,  
COLLINS,  
COLQUITT,  
HANNA,  
McKINNEY.

The resolution was read second time.

Mr. Alsup raised the following point of order on further considera-

tion of House Concurrent Resolution No. 162:

"I make the point of order that House Concurrent Resolution No. 162 seeks to amend that part of the Constitution which provides that bills not receiving two-thirds votes in each house shall not go into effect until 90 days after adjournment, and I make the further point of order that this resolution seeks to amend the Constitution."

The Chair overruled the point of order.

Mr. Alsop raised a point of order on further consideration of House Concurrent Resolution No. 162, on the ground that it requires a two-thirds vote to take the resolution up at this time, as the resolution seeks to have the effect of a bill.

The Chair overruled the point of order.

House Concurrent Resolution No. 162 was then adopted by the following vote:

Yeas—109

Adamson	Hardin
Alexander	Harris of Dallas
Ash	Head
Atchison	Herzik
Bergman	Hill
Bradford	Hodges
Butler of Brazos	Hofheinz
Butler of Karnes	Holland
Caldwell	Hoskins
Canon	Howard
Celaya	Huddleston
Clayton	Hyder
Collins	Jackson
Colquitt	James
Cooper	Jefferson
Cowley	Jones of Atascosa
Crossley	Jones of Falls
Daniel	Jones of Runnels
Davison of Fisher	Jones of Shelby
Davisson	Jones of Wise
of Eastland	Keefe
Dickison	King
Dunagan	Knetsch
Dunlap of Hays	Lange
Duvall	Latham
England	Leath
Fain	Lemens
Fisher	Lotief
Ford	Lucas
Fox	Luker
Frazer	McCalla
Fuchs	McConnell
Gibson	McFarland
Good	McKee
Gray	McKinney
Hankamer	Moore
Hanna	Morris

Morrison	Russell
Morse	Rutta
Newton	Settle
Nicholson	Smith
Olsen	Spears
Padgett	Stanfield
Palmer	Stinson
Patterson	Stovall
Payne	Tarwater
Pope	Thornton
Reader	Venable
Reed of Dallas	Waggoner
Riddle	Wells
Roach of Angelina	Wood of Harrison
Roach of Hunt	Wood of Montague
Roane	Worley
Roark	Young
Rogers	Youngblood

Nays—23

Adkins	Hunt
Aikin	Lanning
Alsop	Lindsey
Beck	Mauritz
Bourne	Quinn
Bradbury	Reed of Bowie
Broyles	Shofner
Burton	Tennyson
Farmer	Tillery
Glass	Walker
Greathouse	Westfall
Harris of Archer	

Present—Not Voting

Craddock

Absent

Cagle	Hunter
Calvert	Leonard
Colson	Petsch
Davis	Roberts
Dunlap of Kleberg	Scarborough
Graves	Steward

Absent—Excused

Fitzwater	Hartzog
Dwyer	Moffett

Reasons for Votes

Inasmuch as this law has been passed and approved by the Governor, over my vote and protest, when same was up for passage, and the only effect of this resolution is not to add any additional money or taxes to the people, and because nothing can be done now to prevent the appropriation of the money appropriated by House Bill No. 11, but simply to put this law into immediate effect, my vote is cast in the affirmative.

KNETSCH.

Although we fought against the Centennial appropriation and voted against same, since a majority of the members of the House, the Senate and the Governor have approved said appropriation, the same is now an enacted law except that it will not become effective until 90 days after adjournment. The above vote was merely to put same into immediate effect, since the same was an enacted law anyway and does not in anywise change our position as being opposed to said appropriation.

ROANE,  
ROARK.

Due to the condition of the State Treasury, the conditions of the country and the refusal of the Legislature to raise additional revenue, I consistently voted against the three million dollars (\$3,000,000) appropriation for the Centennial Celebration and for all reductions of said amount, until the adoption of an amendment providing for a fifteen per cent return to the State of the gross receipts coming from said celebration, which, in my opinion, would have repaid the State for the amount of money advanced. However, the Legislature did not see fit to leave this provision in the bill and for the reasons stated above, I did not vote for the Centennial appropriation. I am now voting to put the Centennial bill into immediate effect for the reason that it did not receive the necessary 100 votes to make it immediately effective, and if the majority of the members of the Legislature believe that the State should help in the financing of a Centennial Celebration, and have so indicated by their vote, then it is only just that the matter receive the necessary 100 votes to give it immediate effect. My views on the appropriation for the Centennial remain as they have always and I firmly believe that it is extremely unfair to the taxpayers of this State to increase their burdens at this time.

FOX.

I have repeatedly opposed appropriating \$3,000,000 for the Texas Centennial, but am not opposed to the Centennial itself. But since it is necessary to legislate the earliest possible moment to prepare for the celebration I voted "yea" on the resolution to put the bill into immediate effect.

McCONNELL.

## BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 579, "An Act making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year, and declaring an emergency."

H. B. No. 900, "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article to be known as 'Article 6711-a,' providing that upon application of ten or more resident citizens of the Counties of Leon, Madison, or Cherokee, or one person living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes, or bays in the Counties of Leon, Madison, or Cherokee, etc., and declaring an emergency."

H. B. No. 390, "An Act providing that the Board of Pardons and Paroles, created by Chapter 45, Acts of First Called Session, Forty-first Legislature, shall hereafter sit and have their offices at Huntsville, Walker County, Texas, and declaring an emergency."

H. B. No. 680, "An Act regulating the use of State-owned motor vehicles by employes of State Departments, Bureaus, Commissions, Institutions, and Agencies in political campaigns; fixing penalties, and declaring an emergency."

H. B. No. 773, "An Act authorizing the governing body of any incorporated city or town having a population of 290,000 or more, according to the preceding Federal Census, to formulate and devise a pension plan, said pension plan, before becoming effective, to be approved by the quali-

fied electors of such city or town; etc., and declaring an emergency."

H. B. No. 164, "An Act to amend Subdivision 3 of Article 3883 of Section 1 of Chapter 220 of Acts of the Forty-third Legislature of the State of Texas, Regular Session, 1933, page 734, by raising the salaries of justices of the peace and constables in certain counties, and providing for excess fee remuneration, and repealing all laws or parts of laws in conflict herewith; etc., and declaring an emergency."

H. C. R. No. 137, To suspend certain Joint Rules to consider House Bill No. 999.

H. C. R. No. 151, Authorizing certain correction in House Bill No. 408.

#### ADDITIONAL SIGNER OF HOUSE BILL NO. 944

On motion of Mr. Celaya, by unanimous consent of the House, Mr. Leonard was authorized to sign House Bill No. 944 as one of the signers of same.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 257. The following have been appointed on the part of the Senate: Senators Hornsby, Hopkins, Hill, Holbrook, and Burns.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### RELATIVE TO HOUSE JOINT RESOLUTION NO. 5

Mr. Russell moved to reconsider the vote by which the call of the House was ordered, pending consideration of House Joint Resolution No. 5.

The motion to reconsider prevailed.

Question recurring on the motion for the call of the House, it was lost.

#### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 181, to the Committee on Public Health.

#### RECESS

On motion of Mr. Davison of Fisher, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by Mr. Leonard.

#### SENATE BILL NO. 528 ON THIRD READING

On motion of Mr. Padgett, the Forty-eight Hour House Rule and the Seventy-two Hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 528.

The Chair then laid before the House, on its third reading and final passage,

S. B. No. 528, A bill to be entitled "An Act providing for an additional Assistant District Attorney for the Fifty-third Judicial District of Texas, prescribing his qualifications, who shall be authorized to perform any official act devolving upon or authorized to be performed by the district attorney of such district, requiring him to take the oath of office, and who shall hold office subject to the will of the district attorney, making an appropriation for his salary for the ensuing biennium, and declaring an emergency."

The bill was read third time, and was passed.

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed



S. B. No. 355, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Central Colorado River Authority, pursuant to and for the purpose set forth in Section 59 of Article XVI of the Constitution of the State of Texas; etc., and declaring an emergency."

The Senate has adopted

S. C. R. No. 64, Suspending Joint Rules Nos. 22, 23, 24, and 32, so as to take up and consider Senate Bill No. 533 and House Bill No. 1001.

H. C. R. No. 136, Suspending Joint Rules Nos. 23, 24, and 32, so as to take up House Bill No. 836.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 355, to the Committee on Conservation and Reclamation.

#### BILLS ORDERED NOT PRINTED

On motion of Mr. Gray, Senate Bill No. 355 was ordered not printed.

On motion of Mr. Morse, Senate Bill No. 181 was ordered not printed.

#### MESSAGE FROM THE GOVERNOR

The Chair laid before the House and had read the following message from the Governor:

Executive Office,  
Austin, Texas, May 9, 1935.  
To the House of Representatives of the Forty-fourth Legislature:

Gentlemen: I have this day disapproved and vetoed House Bill No. 491, an Act providing for a civil service commission in certain cities, for the following reasons:

(1) I am advised that certain provisions of this bill are of doubtful constitutionality.

(2) Though the bill is drawn in general terms, it is admittedly intended to apply to the City of Houston. I doubt the propriety of the State prescribing a civil service system for any particular city. It has

been objected that this bill constitutes an interference with home rule. I understand the City of Houston already has certain charter provisions for civil service. In my judgment, they should not be superseded by the State.

(3) A number of lawsuits and causes of action are now pending involving civil service provisions of the city charter of the City of Houston. This bill as drawn might interfere with these causes of action, though I am sure it was not so intended by the authors.

Respectfully,  
JAMES V. ALLRED,  
Governor of Texas.

#### HOUSE BILL NO. 455 WITH SENATE AMENDMENTS

Mr. Cooper called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 455, A bill to be entitled "An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Section 22, Chapter 26, Acts First Called Session, Forty-second Legislature, amending Section 11, Chapter 162, Acts Regular Session, Forty-third Legislature; and amending Chapter 43, House Bill No. 43, Acts of the Second Called Session of the Forty-third Legislature, 1934; appropriating the proceeds of the tax derived under the provisions hereof; authorizing the Railroad Commission to employ such help and to incur such other expenses as are necessary to enforce the conservation laws of this State relating to oil and gas and the orders of the Railroad Commission promulgated pursuant thereto, etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

Mr. Cooper moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Cooper, Frazer, Latham, Steward and Walker.

### TO SUSPEND CERTAIN JOINT RULES

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 64, To suspend certain Joint Rules to consider Senate Bill No. 533 and House Bill No. 1001.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That Joint Rules Nos. 22, 23, 24, and 32 be suspended in order that the Senate may consider Senate Bill No. 533 and the House consider House Bill No. 1001 until finally disposed of, which are identical bills and have to do with permitting school districts to issue either term or serial bonds for the purpose of refunding outstanding bonds.

The resolution was read second time, and was adopted.

### HOUSE BILL NO. 442 WITH SENATE AMENDMENTS

Mr. McKinney called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 442, A bill to be entitled "An Act to fix the salaries and compensation in counties with a population of not less than nine thousand seven hundred and ten (9,710) inhabitants nor more than nine thousand seven hundred and twenty-five (9,725) inhabitants, according to the last Federal Census, and counties with a population of not less than eighteen thousand five hundred and twenty-eight (18,528) inhabitants, nor more than eighteen thousand five hundred and fifty (18,550) inhabitants, according to the last Federal Census as to population; etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. McKinney, the House concurred in the Senate amendments.

### GRANTING PERMISSION TO SUE THE STATE

The Chair laid before the House, for consideration at this time,

S. C. R. No. 47, Granting Em. Wilson and wife permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

### HOUSE BILL NO. 427 WITH SENATE AMENDMENTS

Mr. Roberts called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 427, A bill to be entitled "An Act amending Article 3899 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-third Legislature, passed in its Regular Session, the same being Section 4 of Chapter 220 of Senate Bill No. 209; providing for the filing of an itemized sworn statement of all of the actual and necessary expenses incurred by certain officers; providing for an audit by the county auditor or commissioners court; providing for approval or rejection; etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Roberts, the House concurred in the Senate amendments by the following vote:

Yeas—113

Adamson	England
Adkins	Fain
Aikin	Farmer
Alexander	Fisher
Alsup	Ford
Ash	Fox
Atchison	Frazer
Beck	Fuchs
Bergman	Gibson
Bourne	Glass
Bradbury	Graves
Bradford	Gray
Broyles	Greathouse
Burton	Hankamer
Butler of Brazos	Hanna
Butler of Karnes	Hardin
Caldwell	Harris of Archer
Calvert	Harris of Dallas
Canon	Head
Celaya	Herzik
Clayton	Hodges
Cooper	Hofheinz
Cowley	Holland
Craddock	Hoskins
Crossley	Howard
Daniel	Huddleston
Davisson	Hunt
of Eastland	Hyder
Dickison	Jackson

James	Payne
Jefferson	Pope
Jones of Atascosa	Quinn
Jones of Falls	Reed of Bowie
Jones of Runnels	Reed of Dallas
Jones of Shelby	Roach of Angelina
Jones of Wise	Roach of Hunt
Keefe	Roark
Knetsch	Roberts
Lanning	Russell
Latham	Rutta
Lemens	Scarborough
Leonard	Settle
Lotief	Shofner
Lucas	Smith
Luker	Spears
Mauritz	Stanfield
McCalla	Stinson
McConnell	Stovall
McFarland	Tarwater
McKee	Thornton
Moore	Tillery
Morris	Venable
Morrison	Walker
Newton	Westfall
Nicholson	Wood of Harrison
Olsen	Wood of Montague
Padgett	Worley
Palmer	Young
Patterson	Youngblood

## Absent

Cagle	Lange
Collins	Leath
Colquitt	Lindsey
Colson	McKinney
Davis	Morse
Dunagan	Petsch
Dunlap of Hays	Reader
Dunlap of Kleberg	Riddle
Duvall	Roane
Dwyer	Rogers
Good	Steward
Hill	Tennyson
Hunter	Waggoner
King	Wells

## Absent—Excused

Davison of Fisher	Hartzog
Fitzwater	Moffett

**CONFERENCE COMMITTEE RE-  
PORT ON HOUSE BILL  
NO. 755**

Mr. Knetsch submitted the following conference committee report on House Bill No. 755:

Committee Room,  
Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, to whom was referred House

Bill No. 755, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto:

"H. B. No. 755,

**A BILL**

**To Be Entitled**

An Act defining certain words, terms, phrases; imposing a tax on all cigarettes used or otherwise disposed of in Texas according to weight with certain exception; providing payment of tax shall be evidenced by stamps affixed to each individual package, said stamps to be purchased from Treasurer only except through requisition by Comptroller; providing stamps shall be sold in unbroken sheets of one hundred (100) stamps only with exception; provided stamps may be purchased and affixed to packages of cigarettes by manufacturer thereof outside the State exempting same from further taxation; providing that tax imposed shall be in lieu of any other occupation or excise tax by State or political subdivision thereof on cigarettes; authorizing Comptroller to recall stamps previously sold and requiring Treasurer to issue new stamps of other serial numbers therefor; creating a 'Cigarette Tax Stamp Board' and requiring the Board to design and have printed or manufactured new stamps; authorizing the Board to assign a separate serial number to be printed on the margin of each sheet of stamps, or other method of identification; provided printing shall be let on competitive bid; requiring distributor to affix stamp of proper denomination on each individual package of cigarettes before selling, consuming or transporting; authorizing Treasurer to sell stamps to licensed distributors at two and one-half per cent (2½%) discount; providing for distribution of moneys collected hereunder; authorizing the Board to change design of stamps; requiring Treasurer to redeem unused stamps upon change of design with limitation of use of old stamps after change in design and fixing penalty for possession; requiring Treasurer to keep records of stamps sold, exchanged or accepted for refund; requiring orders for stamps be sent to Treasurer and prescribing

duties of Treasurer in relation thereto; requiring purchaser of stamps shall keep invoice furnished by Treasurer and requisitions furnished by Comptroller for two (2) years subject to inspection by Comptroller and Attorney General; prohibiting cancellation or mutilation of stamps; authorizing Treasurer to exchange stamps and to make refunds on unused stamps in unbroken sheets of one hundred (100) stamps with restrictions; delegating authority over stamps on hand to Board and placing responsibility for burning stamps under Board; requiring distributors, wholesale dealers and retail dealers to apply for and secure permits before selling or distributing cigarettes, fixing the fees for such permits and requiring Comptroller to issue same; providing manner of making applications and information to be contained therein and fixing expiration of permits; exempting certain distributors from requirement to obtain permit and authorizing sale of stamps in lesser quantities than one hundred stamps to distributors exempted; requiring permit shall be obtained and publicly displayed for each place of business; providing permits shall be non-assignable and revokable under certain conditions and prohibiting sale of cigarettes after same is revoked or suspended; requiring distributors and wholesale dealers holding unexpired dealer's permit, under old law, to apply for and obtain, within a limited time, permit as distributor or wholesale dealer under the provisions of this Act and allowing credit at fixed rate per day for unexpired term of old permits and authorizing Comptroller to allow such credit upon purchase of new permits; providing one permit may serve both distributor and wholesale dealer but requiring additional permit if cigarettes sold at retail; permitting retail dealers to operate under old permits until normal expiration thereof; providing for collection of delinquent permits from distributors or wholesale dealers at fixed rate per day to effective date of this Act; requiring certain information on application for permits to sell cigarettes from vending machines, trains, automobiles, or other vehicles and requiring permanent

place for keeping records for such machines or vehicles; requiring distributors to affix proper stamps on unstamped cigarettes within forty-eight (48) hours after receipt thereof; permitting distributors or other persons to post surety bond and set aside unstamped cigarettes for purpose of conducting interstate business and requiring cigarettes so set aside be kept separate from other stock; authorizing Comptroller to fix amount of bond with certain minimum limitations and giving discretionary authority to require new or additional bond; limiting quantity of interstate stock to amount specified in bond; requiring bonds shall be payable to State of Texas and conditioned upon complete compliance with provisions of this Act; providing time limit for supplying new or additional bond after demand by Comptroller and authorizing Comptroller to cancel such bond under certain conditions; requiring distributor or other person to stamp certain cigarettes within specified time after cancellation of any bond; providing every distributor, wholesale dealer and retail dealer shall keep at each place of business, with certain exceptions, for a specified period of time for the inspection of the Comptroller and Attorney General a complete and detailed record including a book record of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer, specifying the kind of records to be kept and describing information to be kept in bound book record; providing for the keeping of inventories on the first of each month showing the number and kind of cigarettes on hand; providing every distributor and wholesale dealer shall keep at each place of business except as otherwise provided, for a specified period of time for the inspection of the Comptroller and Attorney General a complete record of every sale, distribution or use of cigarettes on an invoice to be issued in duplicate, except in certain instances when triplicates are required; providing the manner of execution of such invoice and the information contained thereon, requiring said invoices to be supported by certain other records furnished by the carrier and the seller

of such cigarettes; requiring that the original of said invoice be delivered to the purchaser and the duplicate be kept by the said distributor or wholesale dealer; requiring an explanation on invoice of cigarettes distributed or exchanged where no sale is involved; requiring distributors and wholesale dealers to issue invoices to their retail departments for cigarettes to be sold at retail by them and requiring retail stocks shall be kept separate from other stocks; requiring such distributors and wholesale dealers to keep a bound book record of each sale, distribution or use of cigarettes for a specified time; requiring any distributor or other person engaged in interstate business wholly or in part to keep such records and make such reports to the Comptroller as a distributor is required to keep and make; requiring every distributor to keep at each place of business, with exceptions, complete record of stamps purchased or received and sold, exchanged, used or disposed of in any other manner, such records to include inventories on the first of each month and to reflect the number and denomination of stamps separately; providing that every person, with certain exceptions, shall before receiving unstamped cigarettes purchase sufficient stamps to cover and providing possession of unstamped cigarettes without possession of sufficient stamps shall be prima facie evidence that said possession is for purpose of selling without stamps; providing taxes, penalties and cost of auditing shall become a preferred lien first and prior to existing liens upon the property of distributors and detailing the kind of property affected thereby; authorizing audits of distributors by the Comptroller and requiring the distributors to pay the costs thereof under certain conditions; appropriating funds received from audits and authorizing the use of such funds; requiring distributors to make monthly reports and prescribing the information to be shown therein; providing for suits to recover tax and penalties due and providing reports made by distributors, or audits made by the Comptroller, or certified copies thereof, shall, when properly authenticated, be

admissible as evidence in such proceedings and shall be prima facie evidence of the contents thereof; providing any incorrectness of such report or audit may be shown; providing that the provisions of Article 3736, Revised Civil Statutes of Texas, 1925, as amended by Chapter 239, Acts of the Regular Session of the Forty-third Legislature, shall apply to suits filed under the provisions of this Act and when any report or audit of a distributor, together with an affidavit from the Comptroller showing taxes unpaid after all credits are allowed, is attached to the petition of the Attorney General, unless the party resisting same files an answer as provided by such article, said audit or report shall be taken as prima facie evidence thereof; fixing venue for civil proceedings or injunctions; providing no other occupation tax shall be collected from any person operating a cigarette vending machine except as herein imposed; authorizing the Comptroller to forfeit or suspend permits for violations of the provisions of this Act or any rule and regulation promulgated hereunder by giving notice with reason for such forfeiture or suspension; specifying where notice shall be mailed and when forfeiture or suspension shall be effective and limiting such forfeiture or suspension; prohibiting sale of cigarettes after permit is forfeited or suspended; providing for allocation of funds received from permits; providing distributing agent shall obtain permit to operate as such within specified time after effective date of this Act and fixing the fee for such permit; providing for application for said permit and for information to be required therein; providing for expiration date of such permit and prohibiting distributing agents from engaging in business as such until application has been filed, fee paid and permit obtained; limiting permit to one place of business and providing it shall be non-assignable; providing distributing agents shall keep certain records for specified time subject at all times to inspection of the Comptroller or Attorney General and prescribing kind of records to be kept; requiring distributing agents to make daily reports on a form to Comptroller except-

ing Sundays and holidays and prescribing kind of reports to be made and all information to be reported; provided if certain invoices or bills of lading contain all information required in such reports, copies of such invoices or bills of lading may be sent to the Comptroller daily in lieu of report on form; providing and imposing certain penalties against and upon person failing to comply with the terms of this Act, or the rules and regulations promulgated hereunder; providing for recovery of the penalty or forfeitures imposed hereunder by suits in the proper court of Travis County, Texas; providing information obtained by Comptroller or Attorney General from reports furnished or records kept shall be confidential and not open for inspection and providing penalties for divulging such information with certain exceptions; authorizing Comptroller to enter upon and inspect premises and records of any person dealing in cigarettes, making it unlawful for any person required to keep records to fail to produce such records on demand of Comptroller or for any person to hinder or prevent Comptroller from making such inspection of records or premises; providing for examination of books or records of common carriers transporting cigarettes; making it unlawful with certain exceptions for any person to possess cigarettes not properly stamped, as provided herein, absence of such stamps being prima facie evidence of nonpayment of such tax; making it unlawful with exceptions for any person to transport unstamped cigarettes, or to fail to stop upon demand of Comptroller any vehicle transporting cigarettes, or to use, sell, offer for sale or possess for the purpose of use or sale, any previously used stamps, or to attach same to any individual package of cigarettes, or to use any artful device or deceptive practice to conceal any violation of this Act, or to mislead the Comptroller in the enforcement of this Act, or to give as a prize any unstamped cigarettes, or to purchase stamps from or sell stamps to any person other than Treasurer with exceptions, or to sell or distribute cigarettes in this State, whether first sale or otherwise, without stamps being af-

fixed to each individual package, or to knowingly use, consume or smoke cigarettes upon which a tax is required to be paid without said tax having been paid; providing for seizure and forfeiture of unstamped cigarettes possessed with intent to avoid payment of taxes, or other violations of the provisions of this Act; providing for seizure and forfeiture of any automobile, truck, boat or other vehicle used to transport such cigarettes and all equipment, paraphernalia or other tangible personal property used for or incident to such violations; prescribing court proceedings to be followed and providing seized property shall be irrepleviable; requiring written report and appraisal by Comptroller of such seizure and prescribing information to be contained therein; prescribing procedure if the defendant is unknown or is a non-resident and authorizing appointment of an attorney by the court with certain fees as prescribed by statute; providing manner of sale of seized property after final judgment and allocating funds received from such sales; providing additional fees to district and county attorneys payable from proceeds of such sale; authorizing summary proceedings for sale of seized property under certain value and providing manner of such sale; providing manner in which any claimant may, by posting bond, have forfeiture proceedings instituted and tried in court as provided by law and providing manner in which seized property shall be sold by the Comptroller if no claim is interposed; providing seizure, forfeiture and sale of property shall not be exemption from criminal prosecution or penalties due; authorizing Comptroller to waive proceeding for forfeiture and compromise with claimant, and providing penalties on compromise settlement; providing when records reveal cigarette sales and seller is unable to show stamp purchases to cover, it shall be prima facie evidence that such sales were made without stamps and fixing penalty; providing manner of allocating funds collected under compromise proceedings; fixing duties of Comptroller to collect taxes and enforce provisions of this Act; authorizing Comptroller and

Treasurer to promulgate rules and regulations; making it a misdemeanor and prescribing penalties for any person to make a first sale, or to sell, offer for sale or present as a prize or gift or to consume or smoke cigarettes without stamps affixed, or to sell cigarettes in less than individual packages or to possess, in violation of this Act, cigarettes in quantities of less than ten thousand (10,000), or to knowingly cancel or mutilate stamps affixed to packages of cigarettes, or to use any artful device or deceptive practice to conceal violations, or mislead the Comptroller in the enforcement of this Act, or to refuse to surrender, upon demand by Comptroller, any cigarettes possessed in violation of this Act, or to make a first sale of or sell cigarettes as a distributor, wholesale dealer or retail dealer without having the proper permit or without having such permit properly displayed, for a distributor or wholesale dealer to fail to deliver an invoice to any purchaser of cigarettes, or to store or distribute unstamped cigarettes as a distributing agent without the permit prescribed therefor; making it a felony and prescribing penalties for any person to knowingly transport unstamped cigarettes in quantities of more than forty (40) cigarettes, or to wilfully refuse to stop any vehicle transporting cigarettes upon demand of any person authorized to stop said vehicle, or to refuse any authorized person permission to inspect any cargo of cigarettes being transported, or any premises where cigarettes are manufactured, produced, made, stored, sold or offered for sale or exchange, or to use, sell, offer for sale or possess for the purpose of sale, any previously used stamp or to attach same to an individual package of cigarettes, or consent to the use of same, or to purchase stamps from or sell stamps to any person other than the Treasurer without a requisition from the Comptroller, or to possess, in violation of any provision of this Act, cigarettes in quantities of ten thousand (10,000) or more, or for a distributor or distributing agent, or the agent, employe or representative thereof, to make and file with the Comptroller a false or incomplete return or re-

port, or for such persons to fail to make a return or report as required herein to be made, or for a distributor, wholesale dealer, retail dealer, distributing agent, or the agent, employe or representative thereof, to destroy, mutilate or secrete any books and records required herein to be kept, or refuse to permit the Comptroller or Attorney General to inspect, examine or audit such books and records or any other records that may be kept incident to the conduct of such cigarette business, or to knowingly make a false entry or fail to make entries in the books and records required to be kept by a distributor, wholesale dealer, retail dealer or distributing agent, or to fail to keep for a period of two (2) years in Texas any books and records required herein to be kept by such persons; fixing venue for prosecutions; providing if penalties prescribed in Section 25 and Section 26 overlap that Section 26 shall prevail and control; making it a felony and prescribing penalty for any person to print, engrave, make, issue, sell or circulate, or possess or have in his possession with intent to use, sell, circulate or pass, any counterfeit stamp, or to use, or consent to the use of, any counterfeit stamp in connection with the selling or offering for sale, of any cigarettes, or to place, or cause to be placed, on any individual package of cigarettes, any counterfeit stamp; providing venue for such violations of this Act shall be in Travis County, Texas; providing for and appropriating funds for administration and enforcement purposes; repealing House Bill No. 578, Chapter 153, Acts of the Regular Session, Forty-third Legislature, as amended and re-enacted by House Bill No. 20, Chapter 90, Acts of the First Called Session, Forty-third Legislature, and as further amended by House Bill No. 31, Chapter 6, Acts of the Second Called Session of the Forty-third Legislature, and repealing House Bill No. 67, Chapter 52, Acts of the Second Called Session of the Forty-third Legislature, and all other laws or parts of laws in conflict herewith; providing that all taxes, penalties and interest due and existing, or hereafter becoming due and/or delinquent under prior or existing cigarette tax laws are

expressly preserved and declared to be legal and valid obligations due the State; providing that offenses committed, or prosecutions begun, are to be conducted under pre-existing laws, and providing that if any article, section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act, and that the same shall be and remain in full force and effect; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The following words, terms, and phrases, as used in this Act are hereby defined as follows:

(a) "Cigarette" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.

(b) "Individual Package of Cigarettes" shall mean and include the smallest package of cigarettes ordinarily sold at retail, and shall include any and every package of cigarettes upon which a Federal stamp or token is required, evidencing the payment of Federal tax.

(c) "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, co-partnership, corporation, trustee, agency, or receiver.

(d) "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored or kept for the purpose of sale or consumption; or if sold from any vehicle, train, or cigarette vending machine, the vehicle, train, or cigarette vending machine on which or from which such cigarettes are sold constitute a place of business.

(e) "Stamp" shall mean the stamp or stamps printed, manufactured or made by authority of the Board as hereinafter defined, and issued, sold, or circulated by the Treasurer and by the use of which the tax levied hereunder is paid.

(f) "Counterfeit Stamp" shall mean any stamp, label, print, tag or token which evidences, or purports to evidence, the payment of any tax levied by this Act, and which stamp, label, print, tag, or token has not been printed, manufactured or made by authority of the Board as hereinafter defined, and/or issued, sold or circulated by the Treasurer.

(g) "Previously Used Stamp" shall mean and include any stamp which is used, sold, or possessed for the purpose of sale or use, to evidence the payment of the tax herein imposed on an individual package of cigarettes after said stamp has, anterior to such use, sale or possession, been used on a previous or separate individual package of cigarettes to evidence the payment of tax as aforesaid.

(h) "First Sale" shall mean and include the first sale or distribution of cigarettes in intrastate commerce, or the first use or consumption of cigarettes within this State.

(i) "Drop-shipment" shall mean and include any delivery of cigarettes received by any person within this State when payment for such cigarettes is made to the shipper or seller by or through a person other than the consignee.

(j) "Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas or his duly authorized assistants and employees.

(k) "Treasurer" shall mean the State Treasurer of Texas or his duly authorized assistants and employees.

(l) "Attorney General" shall mean the Attorney General of the State of Texas or his duly authorized assistants and employees.

(m) "Distributor" shall mean and include every person in this State who manufactures or produces cigarettes or who ships, transports or imports into this State or in any manner acquires or possesses cigarettes and makes a first sale of the same in this State.

(n) "Wholesale Dealer" shall mean and include every "person" other than a distributor or a salesman in the employ of a manufacturer and handling only the products of his employer who engages in the business of selling or distributing cigarettes in this State for the purpose of resale.

(o) "Retail Dealer" shall mean and include every person other than a



distributor or wholesale dealer who shall sell, distribute, or offer for sale or distribution or possess for the purpose of sale or distribution, cigarettes irrespective of quantity or amount or the number of sales or distributions; and it shall also mean and include every person other than a distributor or wholesale dealer who distributes or disposes of cigarettes in unbroken individual packages or in quantities of ten (10) or more as gifts or prizes or in any other manner of distribution or disposal where no sale is involved.

(p) "Distributing Agent" shall mean and include every person in this State who acts as an agent of any person outside the State by receiving cigarettes in interstate commerce and storing such cigarettes subject to distribution or delivery upon order from said person outside the State to distributors, wholesale dealers and retail dealers.

Sec. 2. A tax of one dollar and fifty cents (\$1.50) per thousand on cigarettes weighing not more than three (3) pounds per thousand and three dollars and sixty cents (\$3.60) per thousand on those weighing more than three (3) pounds per thousand is hereby imposed on all cigarettes used or otherwise disposed of in this State for any purpose whatsoever. The said tax shall be paid only once by the person making the "first sale" in this State and shall become due and payable as soon as such cigarettes are subject to a first sale in Texas, it being intended to impose the tax as soon as such cigarettes are received by any person in Texas for the purpose of making a "first sale" of same. No person, however, shall be required to pay a tax on cigarettes brought into this State on or about his person in quantities of forty (40) cigarettes or less when such cigarettes have had the individual packages or the seals thereof broken and when such cigarettes are actually used by said person and not sold or offered for sale. Payment of such tax shall be evidenced by stamps purchased from the Treasurer and securely affixed to each individual package of cigarettes covering the tax thereon as imposed by this Act; provided, that such stamps may be purchased and affixed to such individual package of cigarettes by a manufacturer of cigarettes outside this State, in which case no further payment of tax shall be required.

Provided, that the tax imposed shall be in lieu of any other occupation or excise tax imposed by the State or any political subdivision thereof, on cigarettes.

Cigarette stamps shall be sold by the Treasurer in unbroken sheets of one hundred (100) stamps only and shall be purchased from and sold only by said Treasurer, except as herein-after provided. When the Comptroller deems it proper to accept the compromise provided for in Section 22, and the offender does not possess sufficient unused stamps to cover his unstamped stock of cigarettes, then, and in that event, the offender may purchase the required stamps from any distributor through a requisition from the Comptroller in order that his unstamped stock of cigarettes may be stamped immediately and under the direction of the Comptroller and the Comptroller shall have the authority to issue such requisition which shall be made in triplicate on a form prescribed by the Comptroller with the printed words "Original," "Duplicate," and "Triplicate," on the respective sheets thereof. The original requisition shall be kept by the Comptroller and the duplicate and triplicate shall be delivered to the purchaser and seller of said stamps, respectively, who shall hold such copies of requisition at all times open to the inspection of the Comptroller and the Attorney General for a period of two (2) years. The Comptroller shall have the power and authority in the enforcement of this Act to recall any stamps which have been sold by said Treasurer and which have not been used and it shall be the duty of said Treasurer, upon receipt of such recalled stamps, to issue stamps of other serial numbers therefor. The purchaser of any stamps shall be required to surrender any unused stamps for exchange upon demand of said Comptroller.

Sec. 3. A "Cigarette Tax Stamp Board," composed of the Board of Control of this State, designated hereafter as the "Board," is hereby created and the said Board shall be and is hereby required to design and have printed or manufactured new cigarette tax stamps of such size and denominations and in such quantities as may be determined by the said Board. The stamps shall be so manufactured as to render them easy to be securely attached to each individual package

of cigarettes; provided, that a different and separate serial number of combination letter and number may be assigned to and printed on the margin of each sheet of stamps, or other methods of identification be adopted as the Board may decide. The printing or manufacturing of the stamps shall be awarded by competitive bid and the contract shall be awarded to the person submitting the lowest and best bid that will afford the greatest and best protection to the State in the enforcement of the provisions of this Act.

The Board acting through the Treasurer shall, upon receipt of the stamps hereinabove authorized to be printed or manufactured, designate the date of issue of the new design of stamps by issuing a proclamation as hereinafter provided. Provided that the stamps shall be affixed by the distributor on each individual package of cigarettes that will be handled, sold, distributed, or used; that said stamps shall be supplied by said Treasurer to all distributors holding a permit in the State at a discount of two and one-half per cent ( $2\frac{1}{2}\%$ ) from the face value; that every distributor shall cause to be affixed to every individual package of cigarettes on which a tax is due, stamps of an amount equalling the tax due thereon, before any such distributor sells, offers for sale, or consumes, or otherwise distributes or transports the same.

From the effective date of this Act and until September 1, 1935, all the net revenue derived from this Act, except as hereinafter provided in this Act, shall be credited to the Available School Fund of the State of Texas, but after September 1, 1935, except as hereinafter provided in this Act, two-thirds of the net revenue derived from this Act shall be credited to the Available School Fund of the State of Texas and one-third of the net revenue derived from this Act shall be credited to the General Fund of the State of Texas.

The Board is hereby authorized to change the design of the stamps as often as it may deem such change necessary to the best enforcement of the provisions of this Act, and the Treasurer is hereby required to redeem at face value any unused cigarette tax stamps lawfully issued, prior to such change in the design, which are in the possession of any bona fide owner, by exchanging at

face value cigarette tax stamps of the new design. Provided, that whenever a change is made in the design of the stamps every person holding stamps of the old design shall be required to send them to the Treasurer for exchange at face value for stamps of the new design. Such exchange shall be made within sixty (60) days after the date of issue of the new design of stamps and it shall be unlawful for any person to have in his possession any stamps of an old design after sixty (60) days from the date of issue of any new design; provided, it shall be unlawful for any person to sell, offer for sale, or possess for the purpose of sale, cigarettes to which stamps of the old design are affixed after sixty (60) days from the date of issue of a new design; provided, further, that after sixty (60) days from the date of issue of any new design of stamps the old design shall be void and cigarettes with stamps of the old design affixed to the individual package shall, for the purpose of the enforcement of the provisions of this Act, be considered as cigarettes without stamps affixed thereto. It shall be the duty of the Treasurer, upon receipt of any new design of stamps authorized to be printed by the Board to designate the date of issue of such new design by the issuance of a proclamation and the date of such proclamation shall be the date of issue of the new design of stamps.

Any person who shall have in his possession any cigarette tax stamps of an old design after sixty (60) days from the date of issue of a new design of stamps shall be guilty of a felony and shall be punished as set out in Section 26 of this Act.

Provided that any cigarette tax stamps may be exchanged only when proof satisfactory to said Treasurer is furnished that any stamps offered to said Treasurer in exchange were properly purchased and paid for by the person offering to exchange such stamps; provided further, that stamps which are effaced or mutilated in any manner may be refused for acceptance in exchange by said Treasurer.

The Treasurer shall keep a record of all stamps sold by him or under his direction, of all stamps exchanged by him and of all refunds made on stamps purchased.

Orders for cigarette tax stamps shall be sent direct to the Treasurer and it shall be the duty of the Treas-

urer to invoice the stamps ordered to the purchaser upon a form invoice to be prescribed by the Treasurer, which invoice shall be issued in triplicate and numbered consecutively. The invoice shall show the date of sale, the name and address of purchaser, the number of stamps and their serial numbers, the denomination and value of stamps so purchased. The invoice shall be signed by the Treasurer and the original sent with stamps to the purchaser; the duplicate of the invoice shall be sent to the Comptroller and the triplicate kept by the Treasurer; provided further, that the purchaser of said stamps shall hold the said invoice for a period of two (2) years for inspection at all times by the Comptroller and the Attorney General. No stamp affixed to a package of cigarettes shall be cancelled by any letter, numeral or any other mark of identification or otherwise mutilated in any manner that will prevent or hinder the Comptroller in making an examination as to the genuineness of said stamp.

Stamps in unbroken sheets of one hundred (100) stamps may be exchanged, with the Treasurer only, for stamps of a different denomination. Provided further, that the Treasurer shall be authorized to make refunds on unused stamps in unbroken sheets of not less than one hundred (100) stamps each to the person who purchased said stamps only when proof satisfactory to said Treasurer is furnished that any stamps upon which a refund is requested were properly purchased from said Treasurer and paid for by the person requesting such refund. Such refund shall be made from revenue derived from this Act before such revenue is allocated as herein provided.

Sec. 3-a. The "Cigarette Tax Stamp Board" shall have full power and authority over the cigarette stamps now on hand and the responsibility for burning said stamps is placed upon said Board.

Sec. 4. Every distributor, wholesale dealer and retail dealer in this State now engaged or who desires to become engaged, in the sale or use of cigarettes upon which a tax is required to be paid, shall, within thirty (30) days from the date this law becomes effective, file with the Comptroller an application for a cigarette permit as a distributor, wholesale dealer or retail dealer, as the case

may be, said application to be accompanied by a fee of twenty-five dollars (\$25) if for a distributor's permit or a fee of fifteen dollars (\$15) if for a wholesale dealer's permit or a fee of five dollars (\$5) if for a retail dealer's permit. Said applications shall be on forms prescribed by the Comptroller, to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. Said forms shall set forth (a) the manner under which such distributor, wholesale dealer or retail dealer transacts or intends to transact such business as distributor, wholesale dealer or retail dealer, (b) the principal office, residence and place of business in Texas for which the permit is to apply, (c) and if other than an individual the principal officers or members thereof not to exceed three (3), and their addresses. The Comptroller may require any other information as he may desire in said applications. No distributor, wholesale dealer or retail dealer shall sell any cigarettes until such application has been filed and the fee prescribed paid for a permit and until such permit is obtained. Said permits shall expire twelve (12) months from the date the distributor, wholesale dealer or retail dealer first sells cigarettes or engages in the business of selling cigarettes or from the expiration date of the permit previously issued to said distributor, wholesale dealer or retail dealer, but may be renewed upon like application and upon payment of another fee in the amount prescribed for the kind of permit desired. An application shall be filed and a permit obtained for each place of business owned or operated by a distributor, wholesale dealer or retail dealer. Provided, however, that any distributor manufacturing, importing, or acquiring in any other manner, cigarettes for his own personal use or consumption and not to be disposed of by sale, gift, or otherwise, shall not be required to obtain a distributor's permit but shall be required to comply with all other provisions of this Act affecting a distributor; provided, further, that the Treasurer shall be authorized to sell stamps to such distributors acquiring cigarettes for their own personal use or consumption and not for sale or other disposal, in lesser quantities than unbroken sheets of one hundred (100) stamps.

Upon receipt of the application and fee herein provided for, the Comptroller shall issue to every distributor, wholesale dealer or retail dealer for the place of business designated, a non-assignable consecutively numbered permit, designating the kind of permit and authorizing the sale of cigarettes in this State. Said permit shall provide that the same is revokable and shall be forfeited or suspended upon any violation of any provision of this Act or any reasonable rule or regulation adopted by the Comptroller. If such permit is revoked or suspended said distributor, wholesale dealer or retail dealer shall not sell any cigarettes from such place of business until a new permit is granted or the suspension of the old permit removed.

The permit shall at all times be publicly displayed by the distributor, wholesale dealer or retail dealer at his place of business so as to be easily seen by the public and the persons authorized to inspect the same. Provided, that any distributor or wholesale dealer who is the legal owner and holder of any unexpired dealer's permit and is operating as a dealer thereunder, when such dealer's permit was lawfully issued by the proper authority, as provided by House Bill No. 20, Chapter 90, Acts of the First Called Session of the Forty-third Legislature, shall, within thirty (30) days from the date this law becomes effective, make application to and obtain from the Comptroller a permit as distributor or wholesale dealer, as the case may be, in the manner hereinafter provided and all dealers' permits, under which distributors or wholesale dealers may be operating, are hereby declared to be and are null and void thirty (30) days after the effective date of this Act; provided, however, that any distributor or wholesale dealer legally owning and holding any such dealer's permit may send such permit with his application for a permit as a distributor or wholesale dealer to the Comptroller for credit on the fee required to be paid for such permit as distributor or wholesale dealer. The Comptroller is hereby authorized and required, upon return of such dealer's permit, to credit the legal owner thereof with one and thirty-seven hundredths cents (\$.0137) per day for each and every day of the unexpired portion of said permit; provided, however, that such credit shall not be allowed after the

issuance of said new permit as a distributor or wholesale dealer; provided, that any retail dealer who is the legal owner and holder and is operating under any unexpired dealer's permit which has been lawfully issued by the proper authority as provided by House Bill No. 20, Chapter 90, Acts of the First Called Session of the Forty-third Legislature, shall not be required to make application for or obtain from the Comptroller the retail dealer's permit as required by this Act prior to the expiration of the twelve (12) months for which said permit fee was paid. Provided that delinquent permits shall be prorated in the same manner and collected to the effective date of this Act. Provided further, that any person who operates both as a distributor and wholesale dealer in the same place of business shall only be required to obtain a distributor's permit for the particular place of business where such operation of said business is conducted, and any unexpired wholesale dealer's permit may be returned to the Comptroller for credit on the unexpired portion thereof only upon the purchase of a distributor's permit. A separate permit as a retail dealer, however, shall be required if any distributor or wholesale dealer sells cigarettes at retail.

If the application is for a permit to sell cigarettes from or by means of a cigarette vending machine, train, automobile, or other vehicle, the serial number of said vending machine, the make, motor number, and State Highway license number of said automobile or other vehicle and the name of the railway company and number of said train shall be shown on the applications.

Sec. 5. Every distributor in this State shall, within forty-eight (48) hours after receipt of any unstamped cigarettes, excluding Sundays and holidays, cause the same to have the requisite denominations and amount of stamps affixed to represent the tax as stated herein. Provided, however, that any distributor or other person engaged in interstate business who shall, within thirty (30) days from the date this law becomes effective, execute and file with the Comptroller a good and sufficient surety bond signed by the distributor or other person and a good and sufficient surety company or companies authorized to do business in this State, shall be permitted to set aside such part of his stock of

cigarettes as may be necessary for the conduct of such interstate business without affixing the stamps required by this Act. Provided that such bond shall be approved by and acceptable to the Comptroller in an amount of not less than two hundred and fifty dollars (\$250) and not more than double an amount necessary to stamp the largest quantity of cigarettes set aside at any time for the conduct of such business, and any quantity so set aside which is larger than that permitted in the said bond shall be subject to the same requirements as cigarettes purchased or possessed for intrastate sale. Said interstate stock shall be kept in an entirely separate part of the building, separated and apart from stamped stock. The amount of the bond required of such distributor or other person shall be fixed by the Comptroller, and subject to the minimum limitation herein provided; additional bond or a new bond shall be required by the Comptroller at any time an existing bond becomes insufficient or the surety thereon becomes unsatisfactory, which additional bond or new bond shall be supplied within ten (10) days after demand. Provided that said bond or bonds shall be payable to the State of Texas in Austin, Travis County, Texas, and conditioned for the full, complete and faithful performance of all the conditions and requirements of this Act affecting said distributor or other person on a form to be prescribed by the Comptroller, with the approval of the Attorney General. Should the distributor fail or refuse to supply a new bond or additional bond within ten (10) days after demand the Comptroller shall have the power and authority to cancel forthwith any existing bond made and executed by and for said distributor or other person. In the event said bond is cancelled said distributor or other person shall within forty-eight (48) hours after said cancellation, excluding Sundays and holidays, cause any and all cigarettes received prior to said cancellation to have the requisite denomination and amount of stamps affixed to represent the tax as herein provided.

Sec. 6. (a) Every distributor, wholesale dealer and retail dealer shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a

complete record of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer, including all invoices, bills of lading, waybills, freight bills, express receipts or copies thereof and all other shipping records furnished by the carrier and the seller or shipper of said cigarettes, and in addition thereto a book record in a well bound book which will provide complete information of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer at each place of business. Such book record shall show the date said cigarettes were received, with the designation of whether drop-shipment or otherwise, the name and address of the person from whom purchased and from whom received, the point from which shipped or delivered, the point at which received, the name of the carrier, if shipped by common carrier, the name of the boat or barge if shipped by water, whether registered mail, insured parcel post or open mail if received by mail, the number and kind of cigarettes received with stamps affixed thereto, and, if a distributor, the number and kind of cigarettes received without the stamps affixed, and an inventory or inventories on the first of each month, showing the number and kind of cigarettes on hand with stamps affixed thereto, and, if a distributor, the number and kind without stamps affixed.

(b) Every distributor shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General the invoice of stamps purchased or received from the Treasurer and in addition thereto a book record in a well bound book which will provide complete information of all stamps purchased from the Treasurer and the disposition thereof. Such record shall show the date of receipt of stamps purchased, the number or quantity of stamps, the denomination, and amount paid for stamps so purchased. Such record shall also show the number or quantity, the denomination and face value of stamps sold by requisition from the Comptroller with the name of purchaser of said requisitioned stamps, the number or quantity, the denomination and face value of stamps sent to or received from the Treasurer as an exchange and the inventory or in-

ventories of all stamps on hand on the first day of each month, said inventory to show the number or quantity, denomination and face value of said stamps.

(c) Every distributor and wholesale dealer shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of each and every sale, distribution or use of cigarettes, regardless of whether or not the tax is due upon said cigarettes under the provisions of this Act, upon an invoice to be furnished by said distributor or wholesale dealer which invoice shall be issued in duplicate except when the sale or distribution is made by drop-shipment, in which event the invoice shall be issued in triplicate; said invoice shall show the date of sale, distribution or use, the purchaser and his address, the means of delivery, the name of the carrier if delivered by common carrier, whether registered mail, insured parcel post or open mail if delivered through the mail, the designation of drop-shipment if the sale is a drop-shipment made by a distributor, the number and kind of cigarettes sold, and if the sale is by a distributor the number and kind of cigarettes with the stamps affixed to each individual package, and the number and kind of cigarettes without the stamps affixed thereto, and in addition thereto the said invoices shall be supported by the receipts and other records furnished by the carrier of such cigarettes. The original of said invoice shall be delivered to the purchaser and the duplicate shall be kept by the distributor or wholesale dealer, as the case may be; provided, however, that when the cigarettes are distributed or exchanged in any manner where no sale is involved that an explanation of such transaction shall be stated on said invoice. Provided further, that where a distributor or wholesale dealer sells cigarettes at retail it will be sufficient for said distributor or wholesale dealer and he shall be required to issue an invoice to his retail department for cigarettes to be sold at retail and such stock of cigarettes invoiced for retail sales shall be kept separate and apart from the other stock of said distributor or wholesale dealer; provided further, that every distributor and wholesale dealer shall

keep at each place of business in Texas for a period of two (2) years for the inspection at all times by the authorized authorities a book record in a well bound book or books of all cigarettes sold, distributed or used by said distributor or wholesale dealer. Such book record shall include all information required to be kept on the invoice aforesaid.

(d) Provided that every person engaged in the business of selling cigarettes in interstate commerce only, who has, by furnishing the bond required in Section 5 of this Act, been permitted to set aside or store cigarettes in this State for the conduct of such interstate business without the stamps affixed thereto, shall be required to keep such records and make such reports to the Comptroller as are required of a distributor.

Sec. 7. Every person, other than a distributing agent, bonded distributor or common carrier shall, before receiving or accepting delivery of any cigarettes without the stamps affixed thereto, obtain from the Treasurer the requisite amount or number of stamps necessary to stamp such cigarettes and the possession of any unstamped cigarettes without the possession of the requisite amount or number of stamps shall be prima facie evidence that said cigarettes are possessed for the purpose of making a first sale thereof without stamps.

Sec. 8. All taxes, penalties, and cost of auditing, as hereinafter provided, due, or that might become due by any distributor to the State, shall be and become a preferred lien, first and prior to any and all other existing liens, contract or statutory, legal or equitable, and regardless of the time such lien originated upon all the property of any distributor, devoted to or used in his business as a distributor, which property shall include manufacturing plants, storage plants, warehouses, office buildings and equipment, trucks, cars or other motor vehicles or any other equipment devoted to such use, and each tract of land on which such manufacturing plant, storage plant, warehouse, office building or other property is located, and other tangible property which is used in carrying on such business, and in addition thereto any and all cigarettes and stamps of said distributor. If any distributor shall fail to pay any taxes and penalties due the State in the

proper manner provided for such payment the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly paid the distributor shall pay the reasonable expenses incurred in such investigation and audit as additional penalty. Provided, however, that all funds paid to the auditors of the Comptroller as expenses incurred in making audits, shall be placed in a special fund in the State Treasury, which shall be used until exhausted, for making other audits, and said sums are hereby appropriated for that purpose. Provided, that nothing herein shall prevent the Comptroller, when said fund is exhausted, from using other funds available for that purpose.

Sec. 9. (a) Every distributor shall make and deliver to the Comptroller on the tenth day of each month a report for the preceding calendar month upon a form to be prescribed by the Comptroller, which report shall be properly sworn to and executed by the distributor or his duly authorized representative and which, among other things, shall show the beginning and ending inventories for the period reported of all cigarettes, reflecting separately whether stamped or unstamped, and the number and denomination of unused stamps on hand. Said report shall also show the number of cigarettes purchased or received and the number of cigarettes sold, used, or in any other manner disposed of, and shall reflect separately the information herein required as between stamped and unstamped cigarettes. Said report shall also show the number and denomination of stamps purchased or received and the number and denominations of stamps sold, used, lost, returned to the Treasurer for credit, exchanged, or disposed of in any other manner; provided further, that said report shall show separately the number of cigarettes sold or distributed in interstate commerce and in intrastate commerce during the period. Provided further, that the report shall show separately in the space provided therefor complete information of all drop-shipments of cigarettes handled by or through said distributor and a copy or copies of all invoices of such drop-shipments shall be sent with and attached to said report.

(b) If any distributor or other person fails or refuses to pay any tax,

penalties and cost of audit herein provided, and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of said tax claims, in any judicial proceedings, any report filed in the office of the Comptroller by such distributor or his representative, or a certified copy thereof certified to by the Comptroller or his chief clerk, showing the number of cigarettes sold by such distributor or his representatives, upon which such tax, penalty and cost of audit has not been paid, or any audit made by the Comptroller or his representative from the books or records of said distributor, or other person when signed and sworn to by such representative as being made from the records of said distributor or persons from whom such distributor has bought, received or delivered cigarettes, whether from a transportation company or otherwise, such report or audit shall be admissible in evidence in such proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness of said report or audit may be shown.

(c) In the event the Attorney General shall file suit or claim for taxes, provided for in the foregoing section, and attach or file as an exhibit any report or audit of said distributor, and an affidavit made by the Comptroller or his representatives that the taxes shown to be due by said report or audit are unpaid, that all payments and credits have been allowed, then, unless the party resisting the same shall file an answer in the same form and manner as required by Article 3736, Revised Civil Statutes of Texas of 1925, as amended by Chapter 239, Acts of the Regular Session of the Forty-second Legislature, said audit or report shall be taken as prima facie evidence thereof, and the proceedings of said article are hereby made applicable to suits to collect taxes hereunder.

Sec. 10. Venue of any civil suit, writ of injunction or other civil proceedings filed under the provisions of this Act shall be in a court of competent jurisdiction in Travis County, Texas, or in the county where the defendant in such proceedings has his domicile.

Sec. 11. Provided that if the place of business of any distributor, wholesale dealer or retail dealer is a vend-



ing machine, train, automobile or other vehicle, such distributor, wholesale dealer or retail dealer, as the case may be, shall be required to designate in the application a permanent place where the records required to be kept for such place of business will be available to the Comptroller after the stocks are delivered from said vending machine, train, automobile or other vehicle and after such deliveries are made the records shall be kept at the permanent place so designated.

Sec. 12. It is expressly provided that no occupation tax shall be collected from any person vending cigarettes by means of a vending machine for the privilege of selling cigarettes only by means of such machines other than the permit fee herein imposed for each machine.

Sec. 13. If any distributor, wholesale dealer or retail dealer has violated any provision of this Act, or any rule and regulation promulgated hereunder, the Comptroller shall have the power and authority to forfeit or suspend the permit or permits of said distributor, wholesale dealer or retail dealer by giving written notice stating the reason justifying such forfeiture or suspension and the same shall be forfeited or suspended five (5) days from date of said notice. Any notice required to be given by the Comptroller may be mailed to the distributor, wholesale dealer or the retail dealer, as the case may be, at any place designated as the place of business on the application for permit required herein. No new permit shall be issued within a period of one year to any one whose permit or permits have been forfeited, except at the discretion of the Comptroller. If any permit is forfeited or suspended no cigarettes shall be sold from the place of business for which said permit applied until a new permit is granted or the suspension of the old permit removed.

Sec. 14. The funds derived from the issuance and sale of the permits to distributors, wholesale and retail dealers as herein provided, shall be delivered to the Treasurer, and allocated in the same manner and in the same proportion as the funds derived from sales of stamps.

Sec. 15. (a) Every distributing agent in this State now engaged, or who desires to become engaged in

the business of storing unstamped cigarettes previously sold in interstate commerce and received in interstate commerce for distribution or delivery only upon order received from without the State, shall within thirty (30) days from the date this law becomes effective, file with the Comptroller, an application for a distributing agent's permit, on a form prescribed by the Comptroller to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. Said form shall set forth the name under which such distributing agent transacts or intends to transact such business as a distributing agent, the principal office and place of business in Texas for which the permit is to apply, and if other than an individual, the principal officers or members thereof and their addresses. The Comptroller may require any other information he may desire in said application. No distributing agent shall engage in such business until such application has been filed and the fee of one hundred dollars (\$100) paid for the permit and until the permit has been obtained. Said permit shall expire twelve (12) months from the date on which the distributing agent engages in the business or from the expiration date of a permit previously issued to said distributing agent. An application shall be filed and a permit obtained for each place of business owned or operated by a distributing agent.

(b) Upon receipt of the application and permit fee herein provided for, the Comptroller shall issue to every distributing agent, for the place of business designated, a non-assignable, consecutively numbered permit, authorizing the storing and distribution of unstamped cigarettes within this State when such distribution is made upon interstate orders only.

(c) Every distributing agent shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General, a complete record of all cigarettes received by him, including all orders, invoices, bills of lading, waybills, freight bills, express receipts, and all other shipping records which are fur-



nished to said distributing agent by the carrier and the shipper of said cigarettes, or copies thereof, and in addition thereto, a complete record of each and every distribution or delivery made by said distributing agent, such records of a distribution or delivery shall include all orders, invoices or copies thereof, and all other shipping records furnished by the carrier and the person ordering distribution or delivery of said cigarettes.

(d) Every distributing agent in Texas shall report to the Comptroller, on a form to be prescribed by the Comptroller and furnished by the distributing agent, each day excepting Sundays and holidays, all deliveries of cigarettes made by him on the preceding day or days. The report shall show the name of the person ordering the delivery, the date of delivery, the name and address of the person to whom delivered, the invoice number, the bill of lading or way bill number, the number and kind of cigarettes delivered, the means of delivery and/or the transportation agent and the designation of drop-shipment if a drop-shipment; provided, however, if the invoice furnished said distributing agent by the manufacturer or other person ordering such delivery, or the bill of lading prepared by said distributing agent to cover the shipment under said invoice, contains all the information required to be reported, it will be sufficient to send a copy of said invoice or invoices, or a copy of said bill of lading, or bills of lading, to the Comptroller daily.

Sec. 16. If any distributor, wholesale dealer, retail dealer or distributing agent shall (a) fail to keep any of the records required to be kept by the provisions of this Act, or (b) if any distributor, wholesale dealer or retail dealer shall sell any cigarettes upon which a tax is required to be paid by this Act without at the time having a valid permit, or (c) if any distributor, wholesale dealer or distributing agent shall fail to make any reports to the Comptroller required herein to be made, or (d) make a false or incomplete report to said Comptroller, or (e) if any distributing agent shall store any unstamped cigarettes in the State or distribute or deliver any unstamped cigarettes within this State without at the time of said storage or deliv-

ery having a valid permit, or (f) if any person affected by this Act shall fail or refuse to abide by the provisions hereof or the rules and regulations promulgated hereunder, or violate the same, he shall forfeit to the State, as a penalty, the sum of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). Each day's violation shall constitute a separate offense and incur another penalty, which, if not paid, shall be recovered in a suit by the Attorney General in a court of competent jurisdiction in Travis County, Texas, or any other court having jurisdiction.

Sec. 16-a. All information derived or obtained by the Attorney General or the Comptroller from any such inspection of the books and records as is authorized in this Act, and all information secured, derived or obtained by the Attorney General or the Comptroller from any record, report, instrument, or copy thereof, required to be furnished under the terms of this Act, shall be and shall remain confidential; and no record, report, or information secured, derived, or obtained by the Attorney General or the Comptroller under the terms of this Act shall be open to public inspection, and all such information, records, reports, instruments, and copies thereof shall be used by the Attorney General and the Comptroller solely for the purpose of enforcing the provisions of this Act.

Any employe of the Attorney General or of the Comptroller who (a) gives to any person, firm, or corporation, any information secured, derived or obtained from the inspection or examination of books or records authorized under the terms of this Act or from the records, reports, instruments and/or copies thereof, required to be furnished under the terms of this Act, or (b) permits the inspection by any person, firm, or corporation, of any of the reports, records, instruments, or copies thereof required to be furnished under the terms of this Act, or (c) gives a copy or copies of any such records, reports, instruments, or copy thereof required to be furnished under the terms of this Act to any person, firm, or corporation, or (d) gives any information to any person, firm or corporation concerning the records of all or any parts of the reports, records, instruments, or copies thereof

required to be furnished under the provisions of this Act, shall be guilty of a misdemeanor and shall be punished by confinement in the county jail for not more than six (6) months, or by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by both such fine and imprisonment; provided, however, that it shall not be an offense under the terms of this Act for any employe of the Attorney General or of the Comptroller to furnish any such information as is hereinabove described to any other employe of the Attorney General or of the Comptroller where such information is furnished or given for use in the enforcement of this Act.

Sec. 17. For the purpose of enabling the Comptroller to determine the tax liability of a distributor, wholesale dealer, retail dealer, distributing agent or any other person dealing in cigarettes, or to determine whether a tax liability has been incurred, he shall have the right to inspect any premises where cigarettes are manufactured, produced, made, stored, transported, sold, or offered for sale or exchange and to examine all of the records required herein to be kept or any other records that may be kept incident to the conduct of the cigarette business of said distributor, wholesale dealer, retail dealer, distributing agent, or other person dealing in cigarettes. The said authorized officers shall also have the right as an incident to determining the said tax liability, or whether a tax liability has been incurred, to examine all stocks of cigarettes and cigarette stamps, and for the foregoing purpose said authorized officers shall also have the right to remain upon said premises for such length of time as may be necessary to fully determine said tax liability, or whether a tax liability has been incurred, and it shall be unlawful for any of the foregoing persons to fail to produce upon demand by the Comptroller any records required herein to be kept or to hinder or prevent in any manner the inspection of said records or the examination of said premises.

Sec. 18. Every common carrier in this State having custody of books or records showing the transportation of cigarettes both interstate and intrastate shall give and permit the Comptroller free access to such books and records.

Sec. 19. Except as herein provided, it shall be unlawful for any person to have in his possession for sale, distribution, or use, or for any other purpose, cigarettes upon which a tax is required to be paid by this Act, without having affixed to each individual package of cigarettes the proper stamp evidencing the payment of such tax and the absence of said stamp on said individual package of cigarettes shall be notice to all persons that the tax has not been paid and shall be prima facie evidence of the non-payment of said tax.

No person, other than a common carrier, shall transport within this State cigarettes, upon which a tax is required to be paid, without having stamps affixed to each individual package of said cigarettes or shall fail or refuse, upon demand of the Comptroller, to stop any vehicle transporting cigarettes for a full and complete inspection of the cargo carried.

No person shall use, sell, offer for sale or possess for the purpose of use or sale, within this State, any previously used stamp or stamps or attach any such previously used stamp to an individual package of cigarettes.

No person shall, except as otherwise provided, purchase stamps from any person other than the Treasurer or sell stamps purchased from said Treasurer or sell or distribute cigarettes in this State without stamps affixed to each individual package regardless of whether such sale or distribution constitutes a first sale or otherwise.

No person shall knowingly use, consume or smoke, within this State, cigarettes upon which a tax is required to be paid without said tax having been paid.

No person shall use any artful device or deceptive practice to conceal any violation of this Act or mislead the Comptroller in the enforcement of this Act.

Sec. 20. All cigarettes on which taxes are imposed by this Act, which shall be found in the possession, or custody or within the control of any person, for the purpose of being sold or removed by him in fraud of the Cigarette Tax Law, and all cigarettes which are removed or are deposited or concealed in any place with intent to avoid payment of taxes levied thereon, and any automobile, truck, boat, conveyance or other vehicle

whatsoever, used in the removal or transportation of such cigarettes for such purposes, and all equipment, paraphernalia or other tangible personal property incident to and used for such purpose, found in the place, building or vehicle where such cigarettes are found, may be seized by the Comptroller, with or without process, and the same shall be from the time of such seizure forfeited to the State of Texas, and a proceeding in the nature of a proceeding in rem shall be filed in a court of competent jurisdiction in the county of seizure to maintain such seizure and declare and perfect said forfeiture as herein-after provided. All such cigarettes, vehicles and property so seized as aforesaid, remaining in the possession or custody of the Comptroller, sheriff or other officer for forfeiture or other disposition as provided by law, shall be deemed to be in the custody of law and irrepleviable.

The Comptroller, when making the seizure aforesaid, shall immediately make a written report thereof showing the name of the agent or representative making the seizure, the place and person where and from whom such property was seized and an inventory of same and appraisement thereof at the usual and ordinary retail price of the article seized, which report shall be prepared in duplicate, signed by the agent or representative so seizing, the original of which shall be given to the person from whom said property is taken, and a duplicate copy of which shall be filed in the office of the Comptroller and shall be open to public inspection.

The Attorney General, or the district or county attorney of the county of seizure, shall, at the request of the Comptroller, file in the county and court aforesaid forfeiture proceeding in the name of the State of Texas as plaintiff, and in the name of the owner or person in possession as defendant, if known, and if unknown, then in the name of said property seized and sought to be forfeited. Upon the filing of said proceeding, the clerk of said court shall issue notice to the owner or person in possession of such property to appear before such court upon the date named therein, which shall not be less than two (2) days from service of such notice, to show cause why the forfeiture aforesaid should not be declared, which notice shall be served by the sheriff of said county. In the event

the defendant in said proceeding is a non-resident of the State or his residence is unknown, or in the event the name of such defendant is unknown, upon affidavit by the Comptroller to this effect, notice or process shall be served or published in the mode and manner provided by existing statutes for service of citation upon non-residents or unknown defendants; provided, however, such proceeding may be heard at any time after ten (10) days from service of such process or the first publication of such notice. And in such cases, the court shall appoint an attorney to represent such defendant, who shall have the rights, duties and compensation as provided by existing statutes in cases of attorneys appointed to represent non-residents and unknown defendants.

In the event final judgment is rendered in the forfeiture proceeding aforesaid, maintaining the seizure, and declaring and perfecting the forfeiture of said seized property, the court shall order and decree the sale thereof to the highest bidder by the sheriff at public auction in the county of seizure, after ten (10) days' notice by advertisement at least twice in any legal publication of such county, and the proceeds of such sale, less expenses of seizure and court costs, shall be paid into the State Treasury and shall be allocated as the cigarette tax is herein allocated. In the event the district or county attorneys file and prosecute such cases, a fee of fifteen dollars (\$15) shall be paid to such officers in addition to all other fees allowed by law under the Maximum Fee Bill, which fee shall be collected as court costs out of the proceeds of such sale.

In lieu of the forfeiture proceeding aforesaid, the Comptroller may elect to sell the cigarettes and property seized by him in cases where such property appears by the report or receipt of the officer seizing same to be of the appraised value of five hundred dollars (\$500), or less, by the following summary proceedings:

- 1st. The Comptroller shall publish a notice in some newspaper of the county where the seizure was made, describing the property seized and stating the time, place and cause of their seizure, and requiring any person claiming such property, or any interest therein or thereto, to appear and make such claim within fifteen (15) days from the date of such publication of such notice.

2nd. Any person claiming such property so seized, or any interest therein or thereto, within the time specified in such notice, may file with the said Comptroller his claim, stating his interest in the property seized, and may execute a bond to the State of Texas in the penal sum of two hundred and fifty dollars (\$250), with sureties to be approved by said Comptroller, conditioned that, in case of the establishment of forfeiture of the articles so seized, the obligors shall pay all the costs and expenses of the proceeding to obtain such forfeiture; and upon the delivery of such bond to the Comptroller, he shall transmit the same with a certified copy of the report or receipt of the property seized, filed in his office, to the Attorney General or the county or district attorney of the county of seizure, and forfeiture proceedings shall be instituted and prosecuted thereon in the court of competent jurisdiction as provided by law.

3rd. If no claim is interposed and no bond is given within the time above specified, the Comptroller shall give ten (10) days' notice of a sale of the property under seizure by publication two times in a newspaper of the county of seizure, and, at the time and place specified in such notice, shall sell the property so seized at public auction, and, after deducting expense of seizure, appraisement, custody and sale, he shall deposit the proceeds thereof in the State Treasury, which shall be allocated to the funds to which the cigarette tax levied hereunder is apportioned.

In the event the cigarettes seized hereunder and sought to be sold upon forfeiture, summary sale, or other process provided by law shall be unstamped, the officers selling the same shall, upon sale thereof, affix or cause to be affixed, the stamps so required and deduct the expense thereof from the proceeds of such sale.

Sec. 21. The seizure, forfeiture and sale of cigarettes and other property under the terms and conditions hereinabove set out, and whether with or without court action, shall not be or constitute any defense or exemption to the person owning or having control or possession of such property from criminal prosecution for any act or omission made or offense committed under this law or from liability to pay penalties provided by this law, with or without suit therefor.

Sec. 22. Jurisdiction is hereby conferred upon the Comptroller to waive any proceedings for the forfeiture of any of the property seized under the provisions of this Act, or any part thereof, provided that the offender shall first affix to each of the individual packages of cigarettes seized the amount and value of the stamps necessary to represent the tax, and in addition to the stamps required, pay into the State Treasury through the Comptroller a sum equal to the value of the stamps required to be affixed to such cigarettes. The said Comptroller may make a compromise with any claimant, before or after the claim is filed in court. A record of all such compromises and waivers of forfeiture shall be kept by the Comptroller and shall be open to public inspection.

If upon examination of invoices or other investigation the Comptroller finds that cigarettes have been sold without stamps affixed as required in this Act, he shall have the power to require of such person, to pay into the State Treasury through him a sum equal to twice the amount of the stamp tax due. If, upon examination of invoices or other investigation, such person is unable to furnish evidence to the Comptroller of sufficient stamp purchases to cover unstamped cigarettes purchased by him, the prima facie presumption shall arise that such cigarettes were sold without the proper stamps affixed thereto.

Sec. 23. All moneys collected by the Comptroller under the provisions of Section 22 of this Act, after payment of all costs and commissions, shall be paid to the Treasurer and credited as the taxes imposed hereunder are credited.

Sec. 24. (a) It is hereby made the duty of the Comptroller to collect, supervise and enforce the collection of all taxes and penalties that may be due under the provisions of this Act, and to that end the Comptroller is hereby vested with all of the power and authority conferred by this Act. Said Comptroller also shall have the power and authority to make and publish rules and regulations, not inconsistent with this Act or the other laws of the Constitution of this State or of the United States, for the enforcement of the provisions of this Act and the collection of revenues hereunder.

(b) The Treasurer may promulgate rules and regulations hereunder

providing for the refund on stamps which by reason of damage become unfit for sale or use.

Sec. 25. (a) Whoever shall make a first sale of any cigarettes without a stamp being then and there affixed to each individual package, or (b) whoever shall sell, offer for sale, or present as a prize or gift any cigarettes without a stamp being then and there affixed to each individual package, or (c) whoever shall sell cigarettes in any quantities less than an individual package, or (d) whoever shall knowingly consume, use or smoke any cigarettes upon which a tax is required to be paid without a stamp being affixed upon each individual package, or (e) whoever possesses in violation of any provision of this Act cigarettes upon which a tax is required to be paid, in quantities of less than ten thousand (10,000) cigarettes, or (f) whoever shall knowingly cancel or mutilate any stamp affixed to an individual package of cigarettes for the purpose of concealing any violation of this Act, or with other fraudulent intent, or (g) whoever shall use any artful device or deceptive practice to conceal any violation of this Act, or (h) whoever shall mislead the Comptroller in the enforcement of this Act, or (i) whoever shall refuse to surrender to the Comptroller upon demand any cigarettes possessed in violation of any provision of this Act, or (j) whoever as distributor, or as agent, employe or representative of a distributor, shall make a first sale of any cigarettes without at the time of said first sale having a valid permit, or (k) make a first sale without at the time of said first sale having a permit posted so as to be easily seen by the public, or (l) whoever as distributor, wholesale dealer, or the agent, employe or representative of a distributor or wholesale dealer, shall fail to deliver an invoice required by law to be delivered to a purchaser of cigarettes, or (m) whoever as wholesale dealer or retail dealer or the agent, employe or representative of a wholesale dealer or retail dealer, shall sell cigarettes without at the time of said sale having a valid permit, or (n) sell cigarettes without at the time of said sale having a permit posted so as to be easily seen by the public, or (o) whoever as distributing agent shall store or distribute unstamped cigarettes without at the time of said

storage or distribution having a valid distributing agent's permit shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

Sec. 26. (a) Whoever shall knowingly transport any cigarettes in quantities of more than forty (40) cigarettes without a stamp being then and there affixed to each individual package, or (b) while transporting cigarettes shall wilfully refuse to stop the motor vehicle he is operating when called upon to do so by a person authorized to stop said motor vehicle, or (c) refuse to permit a full and complete inspection of his cargo by said authorized person, or (d) whoever shall refuse to permit a full and complete inspection by said authorized person of any premises where cigarettes are manufactured, produced, made, stored, transported, sold or offered for sale or exchange, or (e) whoever shall use, sell, offer for sale or possess for the purpose of use or sale, any previously used stamps, or (f) attach or cause to be attached to any individual package of cigarettes any previously used stamp, or (g) use or consent to the use of any previously used stamps in connection with the sale or offering for sale of any cigarettes, or (h) whoever shall purchase stamps from any person other than the Treasurer without then and there having a requisition from the Comptroller authorizing said purchase, or (i) whoever shall sell any lawfully issued stamps to any person other than the Treasurer without then and there having a requisition from the Comptroller authorizing said sale, or (j) whoever shall possess in violation of any provision of this Act cigarettes upon which a tax is required to be paid in quantities of ten thousand (10,000) or more cigarettes, or (k) whoever as distributor or distributing agent, or as the agent, employe or representative of a distributor or a distributing agent shall knowingly make, deliver to and file with the Comptroller a false return or report, or an incomplete return or report, or (l) whoever shall knowingly fail to make and deliver to the Comptroller a return or report as required by the provisions of this Act to be made, or (m) whoever as distributor, wholesale dealer, retail dealer or distributing agent, or as the agent, employe, or representative

of a distributor, wholesale dealer, retail dealer or distributing agent, shall destroy, mutilate or secrete any of the books and records required herein to be kept, or (n) shall refuse to permit the Comptroller, or the Attorney General to inspect, examine and audit any books and records required herein to be kept, or any other records incident to the conduct of the cigarette business that may be kept, or (o) shall knowingly make any false entry or fail to make entries in the books and records required by the provisions of this Act to be kept by a distributor, wholesale dealer, retail dealer or distributing agent, or (p) shall fail to keep for a period of two (2) years in Texas any books and records required herein to be kept by a distributor, wholesale dealer, retail dealer or distributing agent, shall be guilty of a felony and shall be punished by confinement in the State Penitentiary for not more than two (2) years or by confinement in the county jail for not less than one month nor more than six (6) months, or by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

Provided that if any penalties prescribed in Section 25 of this Act overlap as to offenses which are also punishable under Section 26 of this Act, then the penalties prescribed by this Section shall apply and control all other penalties.

Sec. 27. Venue of a prosecution under the preceding section shall be in Travis County, Texas, or in the county in Texas where the offense occurred.

Sec. 28. Any person who shall print, engrave, make, issue, sell, or circulate, or who shall possess, or have in his possession, with intent to use, sell, circulate or pass, any counterfeit stamp, or who shall use, or consent to the use of, any counterfeit stamp in connection with the sale, or offering for sale, of any cigarettes, or who shall place, or cause to be placed, on any individual package of cigarettes, any counterfeit stamp, shall be guilty of a felony and upon conviction, shall be punished by confinement in the State Penitentiary for a term of not less than two (2) years nor more than twenty (20) years.

Sec. 29. Venue of a prosecution under the preceding section shall be in Travis County, Texas.

Sec. 30. That two and one-half per cent (2½%) of the gross amount of taxes, permit and license fees and other funds derived under the provisions of this Act shall be set aside in a special fund subject to the use of the Comptroller and so much of said fund as may be necessary shall be expended in the administration and enforcement of the provisions of this Act and so much of the proceeds of two and one-half per cent (2½%) of said tax and funds shall be, and the same is hereby appropriated for said purposes, same to be paid monthly as needed; provided that payment for the manufacturing or printing of the cigarette tax stamps and for any expenses incurred by the Board incident thereto shall be made from the revenue derived from the cigarette tax before such fund is allocated under the provisions of this Act and so much of said fund as may be necessary is hereby appropriated for such purpose; any unexpended portion of said funds so specified shall at the end of each biennium be paid in the proper proportion to the funds to which the cigarette tax fund shall be apportioned.

The Director of the Cigarette Tax Division shall, in addition to the duties of supervising and directing the administration and enforcement of the provisions of this Act, personally supervise the printing or manufacturing of all cigarette tax stamps under the contract as awarded by the Board of Control and he shall have possession and custody of, and be responsible for, all specification plans, photographs, impressions, drawings, electroplates, printing stones and any and all other property or equipment that may provide a means of reproducing, manufacturing or printing of cigarette tax stamps in the design selected by the Cigarette Tax Stamp Board. The said Director shall also be charged with the responsibility of inspecting the stamps after such stamps have been manufactured or printed and all sheets of stamps that do not meet the specifications required in the contract shall be rejected and destroyed by or under the direct personal supervision of said Director; and the Director shall have control of said stamps and be responsible therefor until delivery is made to the Treasurer.

Provided that the salaries of the assistant director, auditors, accountants, investigators, tax supervisors

and other employes hereunder shall not be in excess of the salaries fixed in House Bill No. 780, an Act of the Regular Session of the Forty-fourth Legislature, 1935, making appropriations for the support and maintenance of the executive and administrative departments of the State, for employes in the same or other departments of the State Government rendering the same or similar service.

Sec. 31. That House Bill No. 578, Chapter 153, Acts of the Regular Session of the Forty-third Legislature as amended and re-enacted by House Bill No. 20, Chapter 90, Acts of the First Called Session of the Forty-third Legislature, as further amended by House Bill No. 31, Chapter 6, Acts of the Second Called Session of the Forty-third Legislature, and House Bill No. 67, Chapter 52, Acts of the Second Called Session of the Forty-third Legislature, and all other laws or parts of laws that conflict herewith are hereby in all things repealed.

Sec. 32. That all sales, occupation or excise taxes, penalties and interest accruing to the State of Texas by virtue of any of the repealed provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties and interest accruing under the provisions of prior or existing cigarette tax laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

Sec. 33. The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

Sec. 34. If any article, section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more of the sections, subsections,

sentences, clauses or phrases should be declared unconstitutional.

Sec. 35. The fact that the State of Texas is losing many thousands of dollars in the use and sale of counterfeit cigarette tax stamps, and the further fact that the present cigarette tax law is vague and indefinite and that there are many evasions of the present cigarette tax law, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three separate days in each house, be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

BECK,  
POAGE,  
DUGGAN,  
REDDITT,  
WOODRUFF,

On the part of the Senate;

LUKER,  
JAMES,  
WELLS,  
HANKAMER,  
KNETSCH,

On the part of the House.

On motion of Mr. Knetsch, the report was adopted by the following vote:

Yeas—123

Adamson	Dickison
Adkins	Dunlap of Hays
Aikin	Dunlap of Kleberg
Alexander	England
Alsup	Fain
Ash	Farmer
Atchison	Fisher
Beck	Ford
Bergman	Fox
Bourne	Frazer
Bradbury	Fuchs
Bradford	Gibson
Broyles	Glass
Burton	Graves
Butler of Karnes	Gray
Cagle	Greathouse
Caldwell	Hankamer
Calvert	Harris of Archer
Canon	Harris of Dallas
Celaya	Head
Clayton	Herzik
Cooper	Hodges
Cowley	Hoskins
Craddock	Howard
Crossley	Huddleston
Davis	Hunt
Davisson	Hunter
of Eastland	Hyder



Jackson	Quinn
James	Reed of Bowie
Jefferson	Reed of Dallas
Jones of Atascosa	Riddle
Jones of Falls	Roach of Angelina
Jones of Runnels	Roach of Hunt
Jones of Shelby	Roane
Jones of Wise	Roark
Keefe	Roberts
King	Rogers
Knetsch	Russell
Lanning	Rutta
Latham	Scarborough
Lemens	Settle
Lindsey	Shofner
Lotief	Smith
Lucas	Spears
Luker	Stanfield
Mauritz	Stinson
McCalla	Stovall
McConnell	Tarwater
McFarland	Tennyson
McKee	Thornton
McKinney	Tillery
Moore	Venable
Morrison	Waggoner
Newton	Walker
Nicholson	Wells
Olsen	Westfall
Padgett	Wood of Harrison
Palmer	Wood of Montague
Patterson	Worley
Payne	Young
Pope	Youngblood

Nays—1

Hardin

Absent

Butler of Brazos	Hofheinz
Collins	Holland
Colquitt	Lange
Colson	Leath
Daniel	Leonard
Dunagan	Morris
Duvall	Morse
Good	Petsch
Hanna	Reader
Hill	Steward

Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

# CONFERENCE COMMITTEE RE- PORT ON SENATE BILL NO. 388

Mr. Pope submitted the following conference committee report on Senate Bill No. 388:

Committee Room,  
Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of  
the Senate, and Hon. Coke Ste-

venson, Speaker of the House of  
Representatives.

Sirs: We, your conference committee, to whom was referred Senate Bill No. 388, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto.

"S. B. No. 388,

## A BILL

### To Be Entitled

An Act to repeal Section 1 of Chapter 47, Acts Forty-first Legislature, First Called Session (House Bill No. 25), relating to the transfer of territory by petition and by county board of trustees; and to amend Sections 1 and 2 of Chapter 140, House Bill No. 386, passed at the Regular Session of the Forty-second Legislature, page 235 of the General Laws of Texas, 1931, by requiring an election to be held for changing school districts withdrawing territory from one school district and adding it to another district, or adding to school districts, and the method of holding said elections, and requiring ratification by the Legislature of all school districts laid out and/or attempted to be established, combined, abolished or changed by the county board of trustees; repealing all laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of  
the State of Texas:

Section 1. That Section 1, Chapter 47, Acts of the Forty-first Legislature, First Called Session, relative to detaching territories from one school district and attaching same to another, be, and the same is hereby, in all respects, repealed.

Sec. 2. That Section 1-a of Chapter 140, House Bill No. 386, passed at the Regular Session of the Forty-second Legislature, page 235 of the General Laws of Texas, 1931, be, and the same is hereby, amended so as to make Section 1-a of said Section 1 hereafter be designated as Section 2742-f, and hereafter read as follows:

"Sec. 2742-f. The county board of trustees, when the educational needs of the county necessitate such action, may detach from any district, common or independent, or any such con-



tiguous districts, whether created by General or Special Law, territory to be incorporated into a new common school or independent school district; provided that before the county board may pass an order detaching the said territory and incorporating the said district, notice of such proposed action must be given in writing to the officers of the board of trustees of each district whose area would be affected by the said transfer of territory, and an opportunity to be heard on the proposed change be afforded the officers of such district; and, provided further, that no district shall be reduced below an area of nine (9) square miles, or any district created with an area of less than nine (9) square miles and sufficient taxable valuations to support an efficient school system. Any school district created under the provisions of this Act shall be governed by the General Laws relating to common and independent school districts as they now exist or may hereafter be enacted, and it shall be the duty of the county board of trustees, at the time the order for the establishment of the district is made, to appoint a board of trustees for the said common or independent school district, as the case may be, to serve until the next regular election of trustees as prescribed by the General Law, when a board of trustees shall be elected whose terms of office shall be in accordance with the provisions of the General Law governing common and independent school districts, respectively; and the said district, when so established, shall have the rights and privileges of an independent or common school district as prescribed by General Law.

"Any bonded indebtedness affected by the proposed transfer of territory and the establishment of a new district shall be adjusted by the county board of trustees as prescribed by the General Law; provided, however, that before any tax may be levied over the territory of the new district for the liquidation of its proportionate part of the outstanding bonded indebtedness of any district from which the territory of the new district is taken, the said new district shall vote to assume the said indebtedness and authorize the levy of the necessary tax.

"The petition shall give the metes and bounds of the proposed district

and be signed by a majority of the qualified voters residing in each territory to be detached; provided that when the proposed new district will embrace territory lying in two or more counties, all orders affecting its establishment shall be concurred in by the county board of trustees of each county concerned, but the petition for the establishment of a county line district as provided for herein shall be addressed to the county board of trustees of the county in which the principal school of the new district is to be located, and administrative jurisdiction of the said district shall be vested in the county board of said county.

"And provided further that before any portion of any district has any part thereof detached, an election shall be held at which the qualified taxpaying voters of such district sought to be divided shall first vote by a majority vote to divide said district and shall define the part of said original district sought to be detached; and provided further that the district to which such territory is desired to be added shall have an election at which the qualified taxpaying voters of such original district to which such territory is sought to be added shall vote by a majority vote to assume that proportionate part of the indebtedness of the district from which such territory is detached that the detached territory bears to the original district from which detached, and at said election only those qualified taxpaying voters inside the territory of the new formed district shall vote.

"That each and all of said elections shall be held in accordance with the provisions of the General Law governing bonded tax elections in a common or independent school district as the case may be. And providing further that after the holding of said elections and before the newly formed districts, or either shall be valid, the Legislature shall pass a bill ratifying and confirming the laying out and/or attempted establishment, combining, abolishing or changing of such school districts, and if the Legislature shall fail or refuse to pass such a bill, then the districts shall remain as they originally existed."

Sec. 2. That Section 2 of Chapter 140, House Bill No. 386, passed at the Regular Session of the Forty-second Legislature, page 235 of the

General Laws of Texas, 1931, be, and the same is hereby, amended so as to read hereafter as follows:

"All laws and parts of laws in conflict herewith are hereby expressly repealed."

Sec. 3. The fact that great uncertainty exists as to the legality of the indebtedness of school districts heretofore attempted to be established, combined, abolished or changed by the county board of trustees creates an emergency and an imperative public necessity that the constitutional rule, requiring all bills to be read in each house on three several days, be suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

Respectfully submitted,

DUGGAN,  
COTTEN,  
NEAL,  
POAGE,  
HOLBROOK,

On the part of the Senate;

JONES of Atascosa,  
JAMES,  
POPE,  
GREATHOUSE,  
YOUNG,

On the part of the House.

On motion of Mr. Pope, the report was adopted by the following vote:

Yeas—116

Adamson	Dickson
Aikin	Dunlap of Hays
Alsup	Dunlap of Kleberg
Ash	England
Atchison	Fain
Beck	Farmer
Bourne	Ford
Bradbury	Frazer
Bradford	Fuchs
Burton	Gibson
Butler of Brazos	Glass
Butler of Karnes	Good
Caldwell	Gray
Calvert	Greathouse
Canon	Hankamer
Clayton	Hanna
Collins	Hardin
Colquitt	Harris of Archer
Cooper	Harris of Dallas
Cowley	Head
Craddock	Herzik
Crossley	Hodges
Daniel	Hofheinz
Davis	Hoskins
Davisson	Howard
of Eastland	Huddleston

Hunt	Patterson
Hunter	Payne
Hyder	Pope
Jackson	Reed of Bowie
James	Reed of Dallas
Jefferson	Riddle
Jones of Atascosa	Roach of Angelina
Jones of Falls	Roach of Hunt
Jones of Runnels	Roark
Jones of Shelby	Roberts
Jones of Wise	Rogers
Keefe	Russell
King	Rutta
Knetsch	Scarborough
Lanning	Settle
Lemens	Shofner
Lindsey	Smith
Lucas	Spears
Mauritz	Stanfield
McCalla	Stinson
McConnell	Stovall
McFarland	Tarwater
McKee	Thornton
McKinney	Tillery
Moore	Venable
Morris	Walker
Morrison	Westfall
Morse	Wood of Harrison
Newton	Wood of Montague
Nicholson	Worley
Olsen	Young
Padgett	Youngblood
Palmer	

Nays—1

Lotief

Absent

Adkins	Lange
Alexander	Latham
Bergman	Leath
Broyles	Leonard
Cagle	Luker
Celaya	Petsch
Colson	Quinn
Dunagan	Reader
Duvall	Roane
Fisher	Steward
Fox	Tennyson
Graves	Waggoner
Hill	Wells
Holland	

Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

# SENATE BILL NO. 532 ON SECOND READING

On motion of Mr. Stanfield, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 532.

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 532, A bill to be entitled "An Act creating the Palo Duro Canyon State Park Board; etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 532 ON THIRD READING

Mr. Stanfield moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 532 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adamson	Hankamer
Adkins	Hanna
Aikin	Hardin
Alsup	Harris of Archer
Ash	Harris of Dallas
Atchison	Head
Beck	Hodges
Bourne	Hofheinz
Bradbury	Hoskins
Bradford	Howard
Broyles	Huddleston
Burton	Hunt
Butler of Brazos	Hunter
Butler of Karnes	Hyder
Cagle	Jackson
Calvert	James
Canon	Jefferson
Clayton	Jones of Atascosa
Collins	Jones of Falls
Colquitt	Jones of Runnels
Cooper	Jones of Shelby
Cowley	Jones of Wise
Craddock	Keefe
Daniel	King
Davisson	Knetsch
of Eastland	Lanning
Dickison	Latham
Dunlap of Hays	Lemens
Dunlap of Kleberg	Leonard
England	Lindsey
Fain	Lotief
Farmer	Lucas
Ford	Mauritz
Frazer	McCalla
Fuchs	McConnell
Gibson	McFarland
Glass	McKee
Good	Moore
Graves	Morris
Gray	Morrison
Greathouse	Newton

Nicholson	Spears
Olsen	Stanfield
Palmer	Steward
Patterson	Stinson
Reed of Bowie	Stovall
Reed of Dallas	Tarwater
Riddle	Thornton
Roach of Angelina	Venable
Roark	Waggoner
Roberts	Walker
Rogers	Wells
Russell	Westfall
Rutta	Wood of Harrison
Scarborough	Wood of Montague
Settle	Worley
Shofner	Young
Smith	

#### Absent

Alexander	Leath
Bergman	Luker
Caldwell	McKinney
Celaya	Morse
Colson	Padgett
Crossley	Payne
Davis	Petsch
Dunagan	Pope
Duvall	Quinn
Fisher	Reader
Fox	Roach of Hunt
Herzik	Roane
Hill	Tennyson
Holland	Tillery
Lange	Youngblood

#### Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

The Chair then laid Senate Bill No. 532 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

Adamson	Colquitt
Adkins	Cowley
Alexander	Craddock
Alsup	Daniel
Ash	Davis
Atchison	Davisson
Beck	of Eastland
Bourne	Dickison
Bradbury	Dunlap of Hays
Bradford	Dunlap of Kleberg
Broyles	England
Burton	Fain
Butler of Brazos	Farmer
Butler of Karnes	Fisher
Cagle	Ford
Calvert	Fox
Canon	Frazer
Clayton	Fuchs

Gibson	Morrison
Glass	Morse
Good	Newton
Graves	Nicholson
Gray	Olsen
Greathouse	Padgett
Hankamer	Palmer
Hardin	Patterson
Harris of Archer	Quinn
Harris of Dallas	Reed of Bowie
Head	Reed of Dallas
Hodges	Riddle
Hofheinz	Roach of Angelina
Hoskins	Roach of Hunt
Howard	Roane
Huddleston	Roark
Hunt	Roberts
Hunter	Rogers
Hyder	Russell
James	Rutta
Jefferson	Scarborough
Jones of Atascosa	Shofner
Jones of Falls	Smith
Jones of Runnels	Spears
Jones of Shelby	Stanfield
Jones of Wise	Steward
Keefe	Stinson
King	Stovall
Lanning	Tarwater
Latham	Tennyson
Lemens	Thornton
Leonard	Tillery
Lindsey	Venable
Lotief	Waggoner
Lucas	Walker
Luker	Wells
McCalla	Westfall
McConnell	Wood of Harrison
McFarland	Wood of Montague
McKee	Worley
McKinney	Young
Moore	Youngblood

## Nays—1

Aikin

## Present—Not Voting

Morris

## Absent

Bergman	Holland
Caldwell	Jackson
Celaya	Knetsch
Collins	Lange
Colson	Leath
Cooper	Mauritz
Crossley	Payne
Dunagan	Petsch
Duvall	Pope
Hanna	Reader
Herzik	Settle
Hill	

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

## SENATE BILL NO. 319 ON SECOND READING

On motion of Mr. Nicholson, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 319.

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 319, A bill to be entitled "An Act granting Dr. N. T. Anders and wife permission to sue the State of Texas."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 319 ON THIRD READING

Mr. Nicholson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 319 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—119

Adamson	Frazer
Adkins	Fuchs
Aikin	Gibson
Alexander	Glass
Alsup	Good
Ash	Graves
Atchison	Gray
Beck	Greathouse
Bourne	Hankamer
Bradbury	Hanna
Bradford	Harris of Archer
Broyles	Harris of Dallas
Burton	Head
Butler of Karnes	Herzik
Cagle	Hodges
Calvert	Hofheinz
Canon	Hoskins
Clayton	Howard
Collins	Huddleston
Colquitt	Hunt
Cowley	Hunter
Craddock	Hyder
Crossley	Jackson
Daniel	James
Davis	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Jones of Runnels
Dickison	Jones of Shelby
Dunlap of Hays	Jones of Wise
England	Keefe
Fain	King
Farmer	Knetsch
Ford	Lanning
Fox	Latham

Lemens	Roark
Lindsey	Roberts
Lotief	Rogers
Lucas	Russell
McCalla	Rutta
McConnell	Settle
McFarland	Shofner
McKee	Smith
McKinney	Spears
Moore	Stanfield
Morris	Steward
Morrison	Stinson
Newton	Stovall
Nicholson	Tarwater
Olsen	Tennyson
Padgett	Tillery
Palmer	Venable
Patterson	Waggoner
Payne	Walker
Pope	Wells
Quinn	Westfall
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Riddle	Worley
Roach of Angelina	Young
Roach of Hunt	Youngblood

## Absent

Bergman	Jefferson
Butler of Brazos	Lange
Caldwell	Leath
Celaya	Leonard
Colson	Luker
Cooper	Mauritz
Dunagan	Morse
Dunlap of Kleberg	Petsch
Duvall	Reader
Fisher	Roane
Hardin	Scarborough
Hill	Thornton
Holland	

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

The Chair then laid Senate Bill No. 319 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—119

Adamson	Broyles
Adkins	Burton
Aikin	Butler of Brazos
Alexander	Butler of Karnes
Alsup	Cagle
Ash	Calvert
Atchison	Canon
Beck	Clayton
Bourne	Collins
Bradbury	Colquitt
Bradford	Cooper

Cowley	Lucas
Craddock	McConnell
Daniel	McFarland
Davis	McKee
Davison	McKinney
of Eastland	Moore
Dickison	Morris
England	Morrison
Fain	Newton
Farmer	Nicholson
Fisher	Olsen
Ford	Padgett
Fox	Palmer
Frazer	Patterson
Fuchs	Payne
Gibson	Quinn
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Riddle
Gray	Roach of Angelina
Greathouse	Roach of Hunt
Hankamer	Roane
Hardin	Roark
Harris of Archer	Roberts
Harris of Dallas	Rogers
Head	Russell
Hodges	Rutta
Holland	Scarborough
Hoskins	Settle
Howard	Shofner
Huddleston	Smith
Hunt	Spears
Hyder	Stanfield
Jackson	Steward
James	Stinson
Jefferson	Stovall
Jones of Atascosa	Tennyson
Jones of Falls	Thornton
Jones of Runnels	Tillery
Jones of Shelby	Venable
Jones of Wise	Waggoner
Keefe	Walker
King	Wells
Knetsch	Westfall
Lanning	Wood of Harrison
Latham	Wood of Montague
Lemens	Worley
Lindsey	Young
Lotief	Youngblood

## Nays—1

McCalla

## Absent

Bergman	Hofheinz
Caldwell	Hunter
Celaya	Lange
Colson	Leath
Crossley	Leonard
Dunagan	Luker
Dunlap of Hays	Mauritz
Dunlap of Kleberg	Morse
Duvall	Petsch
Hanna	Pope
Herzik	Reader
Hill	Tarwater

## Absent—Excused

Davison of Fisher Hartzog  
Dwyer Moffett  
Fitzwater

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has adopted

H. J. R. No. 48, Proposing an amend-  
ment to Section 1 of Article XVII  
of the Constitution of Texas, provid-  
ing that constitutional amendments  
may be submitted by the Legislature  
at Special Sessions under certain con-  
ditions; providing for an election on  
the question of the adoption of such  
amendment and providing for the  
proclamation and the publication  
thereof; prescribing the form of bal-  
lot and making an appropriation  
therefor.

H. C. R. No. 162, Putting House Bill  
No. 11 (the Centennial Bill) into im-  
mediate effect.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

SENATE BILL NO. 429 ON SECOND  
READING

On motion of Mr. Roach of Angeli-  
na, the Seventy-two Hour House Rule  
and the Forty-eight Hour House Rule  
were suspended for the purpose of  
considering Senate Bill No. 429.

The Chair then laid before the  
House, on its second reading and pas-  
sage to third reading,

S. B. No. 429, A bill to be entitled  
"An Act granting permission to Mrs.  
Dora Martin et al. to sue the State."

The bill was read second time, and  
was passed to third reading.

SENATE BILL NO. 429 ON THIRD  
READING

Mr. Roach of Angelina moved that  
the constitutional rule, requiring bills  
to be read on three several days, be  
suspended, and that Senate Bill No.  
429 be placed on its third reading and  
final passage.

The motion prevailed by the follow-  
ing vote:

Yeas—118

Adamson	Jones of Shelby
Aikin	Jones of Wise
Alexander	Keefe
Alsup	King
Ash	Knetsch
Atchison	Lanning
Beck	Lemens
Bourne	Lindsey
Bradbury	Lotief
Broyles	Lucas
Burton	Luker
Butler of Brazos	Mauritz
Butler of Karnes	McCalla
Cagle	McConnell
Calvert	McFarland
Canon	McKee
Celaya	McKinney
Clayton	Moore
Collins	Morris
Colquitt	Morrison
Cooper	Newton
Cowley	Nicholson
Craddock	Olsen
Crossley	Padgett
Daniel	Palmer
Davis	Patterson
Davisson	Payne
of Eastland	Petsch
Dickison	Pope
Dunlap of Hays	Quinn
England	Reader
Fain	Reed of Dallas
Farmer	Riddle
Fisher	Roach of Angelina
Fox	Roane
Frazer	Rogers
Fuchs	Russell
Gibson	Rutta
Glass	Scarborough
Good	Settle
Graves	Shofner
Gray	Smith
Hankamer	Spears
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Head	Tarwater
Herzik	Tennyson
Hodges	Thornton
Holland	Tillery
Hoskins	Venable
Howard	Waggoner
Huddleston	Walker
Hunt	Wells
Hunter	Westfall
Hyder	Wood of Harrison
James	Wood of Montague
Jones of Atascosa	Worley
Jones of Falls	Young
Jones of Runnels	

Nays—1

Roark

## Absent

Adkins	Jackson
Bergman	Jefferson
Bradford	Lange
Caldwell	Latham
Colson	Leath
Dunagan	Leonard
Dunlap of Kleberg	Morse
Duvall	Reed of Bowie
Ford	Roach of Hunt
Greathouse	Roberts
Hanna	Stanfield
Hill	Youngblood
Hofheinz	

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

The Chair then laid Senate Bill No. 429 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—118

Adamson	Fuchs
Adkins	Gibson
Aikin	Glass
Alexander	Good
Alsup	Graves
Ash	Gray
Atchison	Hanna
Beck	Hardin
Bourne	Harris of Archer
Bradbury	Harris of Dallas
Broyles	Head
Burton	Herzik
Butler of Brazos	Hodges
Butler of Karnes	Holland
Cagle	Hoskins
Caldwell	Howard
Calvert	Huddleston
Canon	Hunter
Celaya	Hyder
Clayton	James
Collins	Jones of Atascosa
Colquitt	Jones of Falls
Cooper	Jones of Runnels
Cowley	Jones of Shelby
Craddock	Jones of Wise
Daniel	Keefe
Davis	King
Davisson	Knetsch
of Eastland	Lanning
Dickison	Lemens
Dunlap of Hays	Lindsey
Duvall	Lotief
England	Lucas
Fain	Mauritz
Farmer	McConnell
Fisher	McFarland
Ford	McKee
Fox	McKinney
Frazer	Moore

Morris	Settle
Morrison	Shofner
Newton	Smith
Nicholson	Spears
Olsen	Steward
Padgett	Stinson
Patterson	Stovall
Payne	Tarwater
Petsch	Tennyson
Pope	Thornton
Quinn	Tillery
Reader	Waggoner
Reed of Dallas	Walker
Riddle	Wells
Roach of Angelina	Westfall
Roane	Wood of Harrison
Roark	Wood of Montague
Rogers	Worley
Russell	Young
Rutta	Youngblood
Scarborough	

## Nays—1

McCalla

## Present—Not Voting

Palmer

## Absent

Bergman	Jefferson
Bradford	Lange
Colson	Latham
Crossley	Leath
Dunagan	Leonard
Dunlap of Kleberg	Luker
Greathouse	Morse
Hankamer	Reed of Bowie
Hill	Roach of Hunt
Hofheinz	Roberts
Hunt	Stanfield
Jackson	Venable

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

### HOUSE JOINT RESOLUTION NO. 5 WITH SENATE AMEND- MENTS

The House resumed consideration of pending business, same being House Joint Resolution No. 5, proposing certain amendment to the Constitution, with motion by Mr. Reed of Bowie that the House concur in the Senate amendments, and motion by Mr. Alsup that the House do not concur in the Senate amendments and request the appointment of a conference committee to adjust the differences between the two houses on House Joint Resolution No. 5, pending.

Mr. Padgett moved a call of the House for the purpose of maintaining a quorum pending consideration of

House Joint Resolution No. 5, and the call was duly ordered.

On motion of Mr. Padgett, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

Mr. Hanna moved to reconsider the vote by which the call of the House was ordered.

The motion to reconsider was lost.

Mr. Westfall moved the previous question on the pending motions on House Joint Resolution No. 5, and the main question was ordered.

Question recurring on the motion by Mr. Alsop that the House do not concur in the Senate amendments, it prevailed.

Mr. Thornton submitted the following motion:

"We move that the House conference committee on House Joint Resolution No. 5 be instructed:

"To oppose the inclusion in said House Joint Resolution No. 5 of any provision for over-all tax limitation in any form."

Signed—Thornton, Jones of Wise, Lanning, Morris, Jackson, Calvert, Hankamer, McCalla.

Mr. Butler of Brazos moved to table the motion by Mr. Thornton.

The motion to table was lost.

Question recurring on the motion by Mr. Thornton, it prevailed.

Mr. Wood of Harrison submitted the following motion:

"I move that the conference committee on House Joint Resolution No. 5 be instructed to retain the following provision:

"No sales tax shall ever be levied against the people in lieu of the tax lost by the adoption of this resolution."

WOOD of Harrison.

Question recurring on the motion by Mr. Wood of Harrison, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—111

Adamson  
Adkins  
Aikin  
Alsop  
Atchison  
Beck  
Bergman

Bourne  
Bradbury  
Bradford  
Broyles  
Burton  
Butler of Brazos  
Cagle

Calvert  
Canon  
Clayton  
Collins  
Colquitt  
Cooper  
Cowley  
Craddock  
Crossley  
Daniel  
Davis  
Davisson  
of Eastland  
Dickison  
Dunlap of Hays  
Duvall  
England  
Fain  
Farmer  
Fisher  
Ford  
Fox  
Frazer  
Fuchs  
Gibson  
Glass  
Good  
Graves  
Gray  
Hardin  
Harris of Archer  
Harris of Dallas  
Herzik  
Hill  
Hodges  
Holland  
Hoskins  
Howard  
Huddleston  
Hunt  
Hunter  
Hyder  
Jones of Falls  
Jones of Shelby  
Jones of Wise  
Keefe  
King  
Knetsch  
Lange

Lanning  
Lemens  
Lindsey  
Lotief  
Lucas  
Mauritz  
McCalla  
McConnell  
McFarland  
McKinney  
Morris  
Morrison  
Morse  
Newton  
Nicholson  
Palmer  
Patterson  
Payne  
Pope  
Reed of Bowie  
Reed of Dallas  
Riddle  
Roach of Angelina  
Roach of Hunt  
Roark  
Rogers  
Russell  
Rutta  
Scarborough  
Settle  
Shofner  
Smith  
Spears  
Stanfield  
Steward  
Stinson  
Stovall  
Tarwater  
Tennyson  
Thornton  
Tillery  
Venable  
Waggoner  
Walker  
Wells  
Westfall  
Wood of Harrison  
Wood of Montague  
Worley

Nays—6

Alexander  
Butler of Karnes  
Hankamer  
Hofheinz  
Olsen  
Roane

Absent

Ash  
Caldwell  
Celaya  
Colson  
Dunagan  
Dunlap of Kleberg  
Dwyer  
Greathouse  
Hanna  
Head  
Jackson  
James  
Jefferson  
Jones of Atascosa  
Jones of Runnels  
Latham  
Leath  
Leonard  
Luker  
McKee



Moore	Reader
Padgett	Roberts
Petsch	Young
Quinn	Youngblood

Absent—Excused

Davison of Fisher	Hartzog
Fitzwater	Moffett

Paired

Mr. Hankamer (present), who would vote "nay," with Mr. Davison of Fisher (absent), who would vote "yea."

Mr. Lucas moved that the conferees on House Joint Resolution No. 5 be instructed to report back to the House not later than 3 o'clock p. m., tomorrow.

Mr. Wood of Harrison moved to table the motion by Mr. Lucas.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Adamson	Lemens
Alsup	Lindsey
Beck	Lotief
Bourne	Luker
Bradford	McConnell
Burton	McKee
Butler of Brazos	McKinney
Butler of Karnes	Moore
Caldwell	Morris
Calvert	Morrison
Canon	Morse
Clayton	Newton
Colquitt	Nicholson
Cowley	Olsen
Craddock	Padgett
Crossley	Palmer
Daniel	Patterson
Duvall	Payne
England	Quinn
Fox	Roane
Frazer	Roark
Fuchs	Rogers
Gibson	Settle
Good	Stanfield
Graves	Steward
Gray	Stinson
Hankamer	Stovall
Hodges	Thornton
Holland	Tillery
Hunter	Venable
Hyder	Waggoner
Jackson	Walker
Jones of Runnels	Wells
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
King	Young
Latham	

Nays—47

Adkins	Howard
Aikin	Huddleston
Ash	Hunt
Atchison	Jones of Falls
Bergman	Keefe
Bradbury	Lanning
Broyles	Lucas
Collins	Mauritz
Davis	McCalla
Davisson	McFarland
of Eastland	Reed of Bowie
Dunlap of Hays	Reed of Dallas
Fain	Riddle
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Rutta
Glass	Scarborough
Hanna	Shofner
Hardin	Smith
Harris of Archer	Spears
Harris of Dallas	Tarwater
Herzik	Tennyson
Hill	Westfall
Hofheinz	Worley

Absent

Alexander	Jefferson
Cagle	Jones of Atascosa
Celaya	Knetsch
Colson	Lange
Cooper	Leath
Dickison	Leonard
Dunagan	Petsch
Dunlap of Kleberg	Pope
Greathouse	Reader
Head	Roberts
Hoskins	Russell
James	Youngblood

Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

Paired

Mr. Davis (present), who would vote "yea," with Mr. Davison of Fisher (absent), who would vote "nay."

#### HOUSE BILL NO. 635 WITH SENATE AMENDMENTS

Mr. Lange called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 635, A bill to be entitled "An Act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, con-

servation and reclamation district, navigation district, road district, school district, county, city, or incorporated town of this State for public works projects, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Lange, the House concurred in the Senate amendments by the following vote:

Yeas—115

Adamson	Huddleston
Adkins	Hunt
Aikin	Hunter
Alexander	Hyder
Alsup	Jackson
Ash	Jones of Atascosa
Atchison	Jones of Falls
Beck	Jones of Runnels
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Bradford	King
Broyles	Lange
Burton	Lanning
Butler of Brazos	Lemens
Butler of Karnes	Lindsey
Caldwell	Lotief
Calvert	Lucas
Celaya	Luker
Clayton	Mauritz
Collins	McCalla
Colquitt	McConnell
Craddock	McFarland
Crossley	McKee
Davis	McKinney
Davisson	Morris
of Eastland	Morrison
Dickison	Morse
Dunlap of Hays	Newton
England	Nicholson
Fain	Palmer
Farmer	Patterson
Fisher	Payne
Ford	Pope
Fox	Quinn
Frazer	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Hunt
Graves	Roark
Gray	Rogers
Hankamer	Russell
Hanna	Rutta
Hardin	Scarborough
Harris of Archer	Settle
Harris of Dallas	Shofner
Herzik	Smith
Hill	Spears
Hodges	Stanfield
Holland	Steward
Howard	Stinson

Stovall  
Tarwater  
Tennyson  
Venable  
Waggoner  
Walker

Wells  
Westfall  
Wood of Harrison  
Wood of Montague  
Worley  
Young

Present—Not Voting

Roane

Absent

Cagle	Jefferson
Canon	Knetsch
Colson	Latham
Cooper	Leath
Cowley	Leonard
Daniel	Moore
Dunagan	Olsen
Dunlap of Kleberg	Padgett
Duvall	Petsch
Greathouse	Roach of Angelina
Head	Roberts
Hofheinz	Thornton
Hoskins	Tillery
James	Youngblood

Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

#### HOUSE BILL No. 188 WITH SENATE AMENDMENTS

Mr. Hunter called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 188, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 2 in the County of Johnson; to place such indebtedness on a parity with bonds, warrants, and other evidence of indebtedness heretofore authorized to be paid out of the 'county and district road highway fund,' etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Hunter, the House concurred in the Senate amendments.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 779

Mr. Fuchs, called up for consideration at this time, the conference committee report on House Bill No. 779;

The report having been printed in the Journal on Friday, May 3.

On motion of Mr. Fuchs, the report was adopted by the following vote:

## Yeas—125

Adamson	Jones of Atascosa
Aikin	Jones of Falls
Alexander	Jones of Runnels
Alsop	Jones of Shelby
Ash	Jones of Wise
Atchison	Keefe
Beck	King
Bourne	Knetsch
Bradbury	Lanning
Bradford	Latham
Broyles	Lemens
Burton	Lindsey
Butler of Karnes	Lotief
Cagle	Lucas
Calvert	Luker
Canon	Mauritz
Celaya	McCalla
Clayton	McConnell
Collins	McFarland
Colquitt	McKee
Cowley	McKinney
Craddock	Moore
Crossley	Morris
Daniel	Morse
Davis	Newton
Davison	Nicholson
of Eastland	Olsen
Dickison	Palmer
Dunagan	Patterson
Dunlap of Hays	Payne
Dunlap of Kleberg	Petsch
Duvall	Pope
England	Quinn
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fisher	Riddle
Fox	Roach of Angelina
Frazer	Roach of Hunt
Fuchs	Roark
Gibson	Roberts
Glass	Rogers
Good	Russell
Graves	Scarborough
Gray	Settle
Greathouse	Shofner
Hankamer	Smith
Hanna	Stanfield
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Herzik	Tarwater
Hill	Tennyson
Hodges	Thornton
Hofheinz	Venable
Holland	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall
Hunter	Wood of Harrison
Hyder	Wood of Montague
Jackson	Worley
James	Young
Jefferson	Youngblood

Present—Not Voting

Roane

## Absent

Adkins	Lange
Bergman	Leath
Butler of Brazos	Leonard
Caldwell	Morrison
Colson	Padgett
Cooper	Reader
Ford	Rutta
Head	Spears
Hunt	Tillery

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

## SENATE BILL NO. 52 ON FINAL PASSAGE

Mr. McCalla moved to reconsider the vote by which Senate Bill No. 52 was passed.

The motion to reconsider prevailed.

Mr. McCalla offered the following amendment to the bill:

"Article 590: Section 1. A capital case may by agreement of the parties be set for any particular day of the term with the permission of the court; or the court may at its discretion set a day for the trial or disposition of the same; and the day agreed upon by the parties, or fixed by the court, may be changed, and some other day fixed, should the court at any time deem it advisable.

Provided that the court may at its discretion set any number of capital cases for the same day of the term, and only one venire shall be drawn for all capital cases set for same day of the term.

Each defendant shall be furnished a list of the venire for the day for which his case is set for trial, as already made and provided by law, and if either case set for trial shall go to trial, then it shall be in the discretion of the court whether the remaining veniremen shall be excused, or ordered back for service in the trial of the remaining case or cases to be tried that were set for trial on that day."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

Senate Bill No. 52 was then passed by the following vote:

## Yeas—112

Adamson	Jones of Falls
Adkins	Jones of Runnels
Aikin	Jones of Shelby
Alsup	Jones of Wise
Ash	Keefe
Atchison	King
Beck	Knetsch
Bergman	Lange
Bourne	Lanning
Bradbury	Lemens
Bradford	Lindsey
Broyles	Lotief
Burton	Lucas
Cagle	Luker
Calvert	Mauritz
Canon	McCalla
Celaya	McConnell
Clayton	McFarland
Colquitt	McKee
Cooper	McKinney
Cowley	Moore
Craddock	Morris
Daniel	Morrison
Davis	Morse
Davisson	Newton
of Eastland	Nicholson
Dickison	Palmer
Dunagan	Patterson
Dunlap of Hays	Petsch
England	Pope
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fisher	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roark
Gibson	Roberts
Glass	Russell
Good	Scarborough
Gray	Settle
Greathouse	Shofner
Hankamer	Smith
Hardin	Stanfield
Harris of Archer	Stinson
Harris of Dallas	Stovall
Head	Tarwater
Herzik	Tennyson
Hill	Thornton
Hodges	Tillery
Hofheinz	Waggoner
Holland	Walker
Hoskins	Wells
Howard	Westfall
Huddleston	Wood of Harrison
Hunter	Wood of Montague
Hyder	Worley
Jackson	Young
Jefferson	Youngblood
Jones of Atascosa	

## Absent

Alexander	Colson
Butler of Brazos	Crossley
Butler of Karnes	Dunlap of Kleberg
Caldwell	Duvall
Collins	Ford

Fuchs	Payne
Graves	Quinn
Hanna	Reader
Hunt	Riddle
James	Roane
Latham	Rogers
Leath	Rutta
Leonard	Spears
Olsen	Steward
Padgett	Venable

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

## MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee, to adjust the differences between the two houses on House Bill No. 455 with instructions that they change no section of the bill except that which relates to filing fees. The following have been appointed on the part of the Senate: Senators Redditt, Small, Shivers, Hill, and Stone.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE JOINT RESOLUTION NO.  
47 ON SECOND READING

The Chair laid before the House, as unfinished business,

H. J. R. No. 47, Proposing an amendment to Section 52 of Article III of the Constitution of Texas, by adding thereto Section 52-a, providing the Legislature may provide by law for the levying and collecting of taxes, other than ad valorem taxes, by counties and cities of the State for furnishing relief to unemployable citizens of the State, and providing that the Legislature is authorized to make grants of public moneys, other than those collected by ad valorem taxes, to counties and cities by aiding in furnishing relief to unemployable citizens of the State.

The resolution having heretofore been read second time, with committee amendment by Mr. Lucas, pending.

Mr. Jones of Atascosa moved the previous question on the committee amendment, and the passage of House Joint Resolution No. 47, and the main question was ordered.

Question recurring on the committee amendment as amended, it was adopted.

By unanimous consent of the House, the resolving clause of the resolution was ordered amended to conform to all changes, and to the body of the resolution.

House Joint Resolution No. 47 was then passed to engrossment by the following vote:

## Yeas—73

Adkins	Jones of Shelby
Ash	Jones of Wise
Atchison	Keefe
Bourne	King
Broyles	Lange
Burton	Lanning
Cagle	Lemens
Caldwell	Lindsey
Celaya	Lucas
Clayton	Luker
Collins	McConnell
Colquitt	McFarland
Cooper	McKee
Craddock	Newton
Daniel	Nicholson
Davis	Padgett
Davisson	Palmer
of Eastland	Patterson
Dunlap of Hays	Petsch
Duvall	Quinn
England	Reader
Farmer	Roach of Angelina
Fisher	Rogers
Ford	Settle
Gibson	Shofner
Glass	Smith
Gray	Stanfield
Hardin	Stinson
Harris of Archer	Stovall
Hill	Tarwater
Holland	Tennyson
Hoskins	Walker
Howard	Wells
Huddleston	Wood of Harrison
James	Wood of Montague
Jones of Atascosa	Worley
Jones of Falls	Youngblood
Jones of Runnels	

## Nays—44

Adamson	Bradbury
Aikin	Butler of Karnes
Alexander	Canon
Alsup	Crossley
Beck	Dunagan
Bergman	Fain

Fox	McKinney
Frazer	Moore
Good	Morris
Graves	Morrison
Greathouse	Pope
Hankamer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Head	Riddle
Hodges	Roach of Hunt
Hofheinz	Roane
Hunt	Roark
Hunter	Rutta
Jackson	Steward
Knetsch	Thornton
Lotief	Venable
McCalla	Waggoner

## Absent

Bradford	Leath
Butler of Brazos	Leonard
Calvert	Mauritz
Colson	Morse
Cowley	Olsen
Dickison	Payne
Dunlap of Kleberg	Roberts
Fuchs	Russell
Hanna	Scarborough
Herzik	Spears
Hyder	Tillery
Jefferson	Westfall
Latham	Young

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

## Reason for Vote

I sponsored House Joint Resolution No. 47 because I received a letter from one of the Assistant Secretaries to President Roosevelt, an excerpt of which is as follows:

"It is confidently expected that with the launching of the work program the burdens to the States and localities will be very much lessened, and that it should be possible for counties, cities, and States to share in the care of those not given work."

And because I received a letter from the Secretary to Vice-President Garner, an excerpt of which is as follows:

"It is my understanding that the local communities will take care of the unemployable people."

I endeavored to get it through this Session of the Legislature and Governor Allred sent a message to the Legislature, May 7th, an excerpt of which is as follows:

"Most important of all problems which assuredly should be dealt with

before adjournment is that of provision for relief of the unfortunate people of this State after the present twenty-million-dollar bond issue shall have been exhausted. It is commonly known that all unemployables within the State will shortly be turned back upon local communities. Under present constitutional authority and laws, neither the State nor the municipality has authority to provide for emergencies almost certain to arise.

"Bear in mind that constitutional amendments can only be submitted at a Regular Session of the Legislature; and if you adjourn without needful action, we will be helpless until after the convening of the next Regular Session of the Legislature. I can not too earnestly again urge this Legislature to submit proper constitutional amendments for early vote of the people to authorize the Legislature, as well as the local communities, to make provision for relief."

The Legislature has submitted a constitutional amendment giving the people a right to vote on whether or not the Legislature may submit other constitutional amendments at Special Sessions to be voted on at other special elections.

I opposed that amendment because I believed we should care for unemployables at this Session of the Legislature and because additional Sessions cost the State hundreds of thousands of dollars and other special elections will cost the counties hundreds of thousands of dollars; and because if the people do not vote for this amendment and the Federal Government cuts off the relief our hands will be hog-tied; and because my proposition did not force a bond issue upon the people and I believe as it was not adopted that is the only alternative.

LUCAS.

#### SENATE BILL NO. 181 ON SECOND READING

On motion of Mr. Morse, the Forty-eight Hour House Rule and the Seventy-two Hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 181.

Mr. Morse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 181 be placed on its second reading and passage to

third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

Adamson	Jones of Atascosa
Adkins	Jones of Falls
Aikin	Jones of Runnels
Alexander	Jones of Shelby
Alsup	Jones of Wise
Ash	Keefe
Atchison	King
Beck	Knetsch
Bergman	Lanning
Bourne	Latham
Bradbury	Lemens
Broyles	Lotief
Burton	McCalla
Butler of Karnes	McFarland
Caldwell	McKee
Canon	McKinney
Celaya	Moore
Clayton	Morris
Collins	Morrison
Colquitt	Morse
Cooper	Newton
Cowley	Nicholson
Craddock	Padgett
Crossley	Palmer
Daniel	Patterson
Davis	Petsch
Davisson	Pope
of Eastland	Quinn
Dunagan	Reader
Dunlap of Hays	Reed of Bowie
England	Reed of Dallas
Fain	Riddle
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roane
Fox	Roark
Fuchs	Roberts
Gibson	Rogers
Graves	Rutta
Gray	Settle
Greathouse	Shofner
Hankamer	Smith
Harris of Archer	Stanfield
Harris of Dallas	Steward
Head	Stinson
Hill	Tarwater
Hodges	Tennyson
Hofheinz	Thornton
Holland	Venable
Hoskins	Waggoner
Howard	Walker
Hunt	Wells
Hunter	Wood of Harrison
Hyder	Wood of Montague
Jackson	Worley
James	Young
Jefferson	Youngblood

Nays—5

Glass	Lucas
Huddleston	Stovall
Lindsey	

## Present—Not Voting

Hardin

McConnell

## Absent

Bradford

Lange

Butler of Brazos

Leath

Cagle

Leonard

Calvert

Luker

Colson

Mauritz

Dickison

Olsen

Dunlap of Kleberg

Payne

Duvall

Russell

Frazer

Scarborough

Good

Spears

Hanna

Tillery

Herzik

Westfall

## Absent—Excused

Davison of Fisher

Hartzog

Dwyer

Moffett

Fitzwater

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 181, A bill to be entitled "An Act to increase the powers and duties of the State Board of Embalming so as to prescribe and maintain a standard of proficiency as to the qualifications of those engaged, and who may engage, in the practice of funeral directing in connection with the care and disposition of dead human bodies by providing that said State Board of Embalming shall adopt rules, regulations and by-laws for the examination and licensing of funeral directors and the practice of funeral direction; and for the renewal and revocation by said State Board of Embalming of said licenses; and providing for fees and the disposition therefor and defining a funeral director; repealing all laws in conflict and prescribing a penalty, containing a saving clause, and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 181 ON THIRD READING

The Chair then laid Senate Bill No. 181 before the House on its third reading and final passage.

The bill was read third time.

Mr. Roane offered the following amendment to the bill:

Amend Senate Bill No. 181 by adding a new section to be known as Section 3-a, said section to read as follows:

"Section 3-a. That a licensed embalmer in good standing with the State Board of Embalming shall be exempt from the \$5 fee; all others appearing and applying for a license shall be charged the annual fee of \$5."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

Senate Bill No. 181 was then passed.

## SENATE BILL NO. 355 ON SECOND READING

On motion of Mr. Gray, the Forty-eight Hour House Rule and the Seventy-two Hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 355.

Mr. Gray moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 355 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—109

Adamson	Fox
Aikin	Frazer
Alexander	Fuchs
Alsup	Gibson
Ash	Glass
Atchison	Gray
Bourne	Greathouse
Bradbury	Hankamer
Bradford	Hardin
Broyles	Harris of Archer
Burton	Harris of Dallas
Butler of Brazos	Head
Butler of Karnes	Herzik
Caldwell	Hill
Canon	Hodges
Celaya	Hofheinz
Clayton	Howard
Collins	Hunt
Colquitt	Hyder
Cooper	Jackson
Cowley	James
Davis	Jefferson
Davisson	Jones of Atascosa
of Eastland	Jones of Falls
Dunlap of Hays	Jones of Runnels
Duvall	Jones of Shelby
England	Jones of Wise
Fain	Keefe
Farmer	King
Fisher	Knetsch
Ford	Lanning

Lemens	Roach of Hunt
Lindsey	Roark
Lotief	Roberts
Lucas	Rogers
Luker	Rutta
McCalla	Scarborough
McConnell	Settle
McKee	Shofner
McKinney	Smith
Moore	Stanfield
Morris	Steward
Morrison	Stinson
Morse	Stovall
Newton	Tarwater
Nicholson	Thornton
Padgett	Venable
Palmer	Waggoner
Patterson	Walker
Quinn	Wells
Reader	Wood of Harrison
Reed of Bowie	Wood of Montague
Reed of Dallas	Worley
Riddle	Young
Roach of Angelina	Youngblood

## Present—Not Voting

Roane

## Absent

Adkins	Huddleston
Beck	Hunter
Bergman	Lange
Cagle	Latham
Calvert	Leath
Colson	Leonard
Craddock	Mauritz
Crossley	McFarland
Daniel	Olsen
Dickison	Payne
Dunagan	Petsch
Dunlap of Kleberg	Pope
Good	Russell
Graves	Spears
Hanna	Tennyson
Holland	Tillery
Hoskins	Westfall

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 355, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Central Colorado River Authority, pursuant to and for the purpose set forth in Section 59 of Article XVI of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to

alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited; conferring certain other powers thereon, including power of control, storage, preservation, use, distribution and sale of the waters of the Colorado River and its tributaries; to develop, generate, distribute and sell water power and electric energy; to acquire property by condemnation or otherwise, and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 355 ON THIRD READING

The Chair then laid Senate Bill No. 355 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—111

Adamson	Fox
Adkins	Frazer
Alexander	Fuchs
Alsup	Gibson
Ash	Glass
Bourne	Graves
Bradbury	Gray
Bradford	Greathouse
Broyles	Hankamer
Burton	Hardin
Butler of Karnes	Harris of Archer
Cagle	Harris of Dallas
Caldwell	Head
Canon	Herzik
Celaya	Hill
Clayton	Hodges
Collins	Hofheinz
Colquitt	Howard
Cooper	Hunt
Cowley	Hunter
Crossley	Hyder
Davis	Jackson
Davisson	James
of Eastland	Jefferson
Dunlap of Hays	Jones of Atascosa
Dunlap of Kleberg	Jones of Falls
Duvall	Jones of Runnels
England	Jones of Shelby
Fain	Jones of Wise
Farmer	Keefe
Fisher	King
Ford	Lanning



Latham	Riddle
Lemens	Roach of Angelina
Lindsey	Roach of Hunt
Lotief	Roark
Lucas	Roberts
Luker	Rutts
McCalla	Scarborough
McConnell	Settle
McFarland	Shofner
McKee	Smith
McKinney	Stanfield
Moore	Steward
Morris	Stinson
Morrison	Stovall
Newton	Tarwater
Nicholson	Thornton
Padgett	Waggoner
Palmer	Walker
Patterson	Wells
Petsch	Westfall
Pope	Wood of Harrison
Quinn	Wood of Montague
Reader	Worley
Reed of Bowie	Youngblood
Reed of Dallas	

## Nays—6

Aikin	Bergman
Atchison	Knetsch
Beck	Venable

## Absent

Butler of Brazos	Leath
Calvert	Leonard
Colson	Mauritz
Craddock	Morse
Daniel	Olsen
Dickison	Payne
Dunagan	Roane
Good	Rogers
Hanna	Russell
Holland	Spears
Hoskins	Tennyson
Huddleston	Tillery
Lange	Young

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

CONFERENCE COMMITTEE ON  
HOUSE JOINT RESOLU-  
TION NO. 5

The Speaker announced the appointment of the following conference committee on House Joint Resolution No. 5: Messrs. Reed of Bowie, Alsup, Wood of Montague, Hankamer, and Greathouse.

HOUSE BILL NO. 1001 ON SECOND  
READING

On motion of Mr. Tennyson, the Forty-eight Hour House Rule and the

Seventy-two Hour House Rule were suspended at this time for the purpose of considering House Bill No. 1001.

The Chair then laid before the House, on its second reading and passage to engrossment.

H. B. No. 1001, A bill to be entitled "An Act to amend Article 2789, Revised Civil Statutes of 1925, as amended by Chapter 32, Acts of the Regular Session of the Forty-third Legislature, by making provision that refunding bonds may be issued as term or as serial bonds, maturing in either case within forty (40) years from date of issue and may be made optional on any interest payment date as the governing body shall direct, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1001 ON THIRD  
READING

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1001 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—116

Adamson	Davisson
Adkins	of Eastland
Aikin	Dunlap of Hays
Alexander	Dunlap of Kleberg
Alsup	Duval
Ash	England
Atchison	Fain
Bergman	Farmer
Bourne	Fisher
Bradbury	Ford
Bradford	Fox
Broyles	Fuchs
Burton	Gibson
Butler of Brazos	Glass
Butler of Karnes	Good
Cagle	Graves
Caldwell	Gray
Canon	Greathouse
Celaya	Hardin
Clayton	Harris of Archer
Collins	Harris of Dallas
Colquitt	Head
Cooper	Herzik
Cowley	Hill
Crossley	Hodges
Daniel	Hofheinz
Davis	Holland

Hoskins	Reader
Howard	Reed of Bowie
Hunt	Reed of Dallas
Hyder	Riddle
Jackson	Roach of Angelina
James	Roach of Hunt
Jones of Atascosa	Roane
Jones of Falls	Roark
Jones of Runnels	Roberts
Jones of Shelby	Rogers
Jones of Wise	Rutta
Keefe	Scarborough
Lanning	Settle
Latham	Shofner
Lemens	Smith
Lucas	Stanfield
McCalla	Steward
McConnell	Stinson
McFarland	Stovall
McKee	Tarwater
Moore	Tennyson
Morris	Thornton
Morrison	Venable
Morse	Waggoner
Newton	Walker
Nicholson	Wells
Olsen	Westfall
Padgett	Wood of Harrison
Palmer	Wood of Montague
Patterson	Worley
Petsch	Young
Quinn	Youngblood

## Absent

Beck	Lange
Calvert	Leath
Colson	Leonard
Craddock	Lindsey
Dickison	Lotief
Dunagan	Luker
Frazer	Mauritz
Hankamer	McKinney
Hanna	Payne
Huddleston	Pope
Hunter	Russell
Jefferson	Spears
King	Tillery
Knetsch	

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

The Chair then laid House Bill No. 1001 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—121

Adamson	Ash
Adkins	Atchison
Aikin	Beck
Alexander	Bergman
Alsup	Bourne

Bradbury	Jones of Wise
Bradford	Keefe
Broyles	King
Burton	Lanning
Butler of Brazos	Latham
Butler of Karnes	Lemens
Cagle	Lindsey
Caldwell	Lucas
Canon	Luker
Celaya	McCalla
Clayton	McConnell
Collins	McFarland
Colquitt	McKee
Cooper	McKinney
Cowley	Moore
Daniel	Morris
Davis	Morrison
Davison	Morse
of Eastland	Newton
Dunagan	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Padgett
Duvall	Palmer
England	Patterson
Fain	Petsch
Farmer	Quinn
Fisher	Reader
Ford	Reed of Bowie
Fox	Reed of Dallas
Fuchs	Riddle
Gibson	Roach of Angelina
Glass	Roach of Hunt
Good	Roane
Graves	Roark
Gray	Roberts
Greathouse	Rogers
Hardin	Rutta
Harris of Archer	Settle
Harris of Dallas	Shofner
Head	Stanfield
Herzik	Steward
Hill	Stinson
Hodges	Stovall
Hofheinz	Tarwater
Holland	Tennyson
Hoskins	Thornton
Howard	Tillery
Huddleston	Venable
Hunt	Waggoner
Hyder	Walker
Jackson	Wells
James	Westfall
Jefferson	Wood of Harrison
Jones of Atascosa	Wood of Montague
Jones of Falls	Worley
Jones of Runnels	Young
Jones of Shelby	

## Absent

Calvert	Hankamer
Colson	Hanna
Craddock	Hunter
Crossley	Knetsch
Dickison	Lange
Dwyer	Leath
Frazer	Leonard

Lotief	Scarborough
Mauritz	Smith
Payne	Spears
Pope	Youngblood
Russell	

Absent—Excused

Davison of Fisher	Hartzog
Fitzwater	Moffett

## SENATE BILL NO. 529 ON SECOND READING

On motion of Mr. Padgett, the Forty-eight-Hour House Rule and Seventy-two-Hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 529.

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 529, A bill to be entitled "An Act creating the County Court at Law of Travis County, Texas; defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for clerk and seal for said court and prescribing the duties of the sheriff and county attorney in relation to said court, limiting the jurisdiction of the County Court of Travis County, and providing for the transfer of cases pending in the County Court of Travis County to the said court hereby created, and for appeals from inferior courts to the court hereby created, and for appeals from said court; creating the office of judge of the County Court at Law of Travis County; and declaring an emergency."

The bill was read second time, and was passed to third reading.

## MOTION TO TAKE UP SENATE BILL NO. 529

Mr. Padgett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 529 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—90

Adamson	Ash
Adkins	Atchison
Alsup	Beck

Bourne	Jones of Falls
Bradford	Jones of Shelby
Burton	Jones of Wise
Butler of Brazos	Keefe
Butler of Karnes	King
Caldwell	Knetsch
Canon	Lanning
Celaya	Lemens
Clayton	Lotief
Collins	Lucas
Colquitt	Luker
Cooper	McCalla
Cowley	McConnell
Crossley	McFarland
Daniel	McKee
Davis	McKinney
Davison	Moore
of Eastland	Morse
Dunagan	Newton
Dunlap of Hays	Nicholson
Dunlap of Kleberg	Olsen
Duvall	Padgett
England	Patterson
Fisher	Quinn
Ford	Reader
Fox	Reed of Dallas
Fuchs	Riddle
Gibson	Roach of Angelina
Glass	Roberts
Harris of Dallas	Rogers
Head	Settle
Herzik	Smith
Hill	Stanfield
Hodges	Stinson
Hofheinz	Thornton
Holland	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall
Hyder	Wood of Montague
Jackson	Worley
Jefferson	Young
Jones of Atascosa	

Nays—26

Aikin	Palmer
Bergman	Reed of Bowie
Bradbury	Roach of Hunt
Broyles	Roane
Cagle	Roark
Fain	Rutta
Graves	Shofner
Greathouse	Stovall
Hardin	Tarwater
Harris of Archer	Tennyson
Hunt	Venable
Morris	Wood of Harrison
Morrison	Youngblood

Absent

Alexander	Farmer
Calvert	Frazer
Colson	Good
Craddock	Gray
Dickison	Hankamer
Dwyer	Hanna

Hunter	Payne
James	Petsch
Jones of Runnels	Pope
Lange	Russell
Latham	Scarborough
Leath	Spears
Leonard	Steward
Lindsey	Tillery
Mauritz	

Absent—Excused

Davison of Fisher	Hartzog
Fitzwater	Moffett

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has adopted

H. C. R. No. 139, Suspending Joint  
Rule No. 23 until House Bill No. 988  
is finally disposed of.

Conference committee report on  
House Bill No. 327 by the following  
vote: Yeas, 30; nays, 0.

Conference committee report on  
House Bill No. 71 by the following  
vote: Yeas, 21; nays, 6.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### CONFERENCE COMMITTEE RE- PORT ON HOUSE BILL NO. 71

Mr. Dunagan submitted the fol-  
lowing conference committee report  
on House Bill No. 71:

Committee Room,  
Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of  
the Senate, and Hon. Coke Stev-  
enson, Speaker of the House of  
Representatives.

Sirs: We, your conference com-  
mittee, appointed to adjust the dif-  
ferences between the House and Sen-  
ate on House Bill No. 71, have had  
the same under consideration, and we  
recommend that said bill be passed  
in the form as attached hereto.

"H. B. No. 71,

A BILL

To Be Entitled

An Act defining certain terms; pro-  
viding for licensing of operators

and chauffeurs; providing for cer-  
tain exemptions; prohibiting issu-  
ance of licenses to certain persons;  
providing for instruction permits;  
making provision for non-resident  
drivers; providing what persons  
shall be licensed; providing for ap-  
plication for operator's and chauf-  
feur's license; providing for sign-  
ing of application of minors; pro-  
viding for examination of appli-  
cants; providing for designation of  
local officers; providing for regis-  
tering of operators and chauffeurs;  
providing for the issuance of dupli-  
cate licenses and badges; providing  
for the signing and carrying of li-  
censes; providing for time of ex-  
piration of licenses; providing for  
fees and disposition of same; pro-  
viding for the transfer of all bal-  
ances now in the State Treasury  
which were collected under Article  
6687, Revised Civil Statutes, 1925,  
to the Operator's and Chauffeur's  
License Fund; providing for forms  
for accident statistics and reports;  
providing for failure to make such  
reports a misdemeanor; providing  
for the suspension or revocation of  
licenses; making it unlawful for  
certain persons to act as chauffeurs  
or operators and to drive school  
buses; providing for courts to re-  
port record of convictions; provid-  
ing for mandatory suspension or  
revocation of licenses and fixing  
the period of same; providing for  
hearing for persons denied the right  
to drive a motor vehicle; provid-  
ing for surrender and return of  
license or badge; making it unlaw-  
ful to commit certain acts with  
reference to securing and/or using  
licenses or to violate certain pro-  
visions; providing a penalty for  
violation of this Act; imposing a  
fine and jail sentence for driving  
while license suspended; repealing  
all laws and parts of laws in con-  
flict herewith, and particularly Ar-  
ticle 6687, Revised Civil Statutes,  
1925; providing a saving clause;  
providing for the effective date of  
this Act, and declaring an emer-  
gency."

Be it enacted by the Legislature of  
the State of Texas:

Section 1. Definitions: The fol-  
lowing words and phrases when used  
in this Act shall, for the purpose  
of this Act, have the meanings re-  
spectively ascribed to them in this  
section, except in those instances

where the context indicates a different meaning:

(a) "Vehicle": Every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively on stationary rails or tracks.

(b) "Motor Vehicle": Every vehicle as herein defined, which is self-propelled.

(c) "Farm Tractor": Every motor vehicle designed and used primarily as a farm implement for drawing plows, sowing machines and other implements of husbandry.

(d) "Implements of Husbandry": The words "implements of husbandry" shall mean farm implements, machinery and tools as used in tilling the soil, namely: cultivators, farm tractors, reapers, binders, tractors, combines, or mowing machinery, but shall not include any automobile or truck.

(e) "Person": Every natural person, firm, co-partnership, association, corporation, or person, jointly and severally, who are members of any firm, co-partnership, association or corporation, or persons.

(f) "Operator": Every person, other than a chauffeur who is in actual physical control of a motor vehicle upon a highway.

(g) "Chauffeur": Every person who is employed for the principal purpose of operating a motor vehicle; and every person who drives a motor vehicle while in use for hire.

(h) "Non-resident": Every person who is not a resident of this State.

(i) "Highway": Any road, street, way, thoroughfare or bridge in this State, not privately owned or controlled, for the use of vehicles over which the State has legislative jurisdiction under its police power.

(j) "Department": The Department of Public Safety of the State of Texas, acting directly or through its duly authorized officers or agents.

## Sec. 2. Operators and Chauffeurs Must Be Licensed:

No person, except those expressly exempt under this Act, shall drive any motor vehicle upon a highway in this State unless such person upon application has been licensed as an operator or chauffeur of the Department under the provisions of this Act.

## Sec. 3. What Persons Are Exempt from License:

(a) No person shall be required to obtain an operator's or chauffeur's license for the purpose of driving or operating a road roller, road machinery or any farm tractor, implement of husbandry, farm wagon, farm trailer or other non-motor propelled vehicle or carriage temporarily drawn, moved or propelled on the highways.

(b) Every person in the service of the United States and when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this Act.

(c) Drivers of commercial motor vehicles operating under the jurisdiction of the Railroad Commission of Texas who are required to have a driver's license issued by that Department, shall not be required to secure a chauffeur's or operator's license under the terms of this Act for the operation of such vehicles, and such persons shall not be amenable to the other provisions of this law incident to the issuance, renewal and cancellation of chauffeurs' or operators' licenses, respectively.

(d) A non-resident over the age of sixteen (16) years who has been duly licensed either as an operator or chauffeur under a law requiring the licensing of operators or chauffeurs in his home State or country and who has in his immediate possession either a valid operator's or chauffeur's license issued to him in his home State or country shall be permitted without examination or license under this Act to drive a motor vehicle upon the highways of this State.

(e) A non-resident over the age of sixteen (16) years whose home state or county does not require the licensing of operators may operate a motor vehicle as an operator only, when temporarily in this State for a period of time not exceeding 90 days, and the Department, through its agents, on request of such non-resident shall issue without charge, courtesy non-resident driver's license for such period of time as such non-resident may request, not exceeding 90 days. The Department shall make suitable forms and prescribe reasonable regulations for the issuance of such non-resident licenses.

(f) Any non-resident or other person whose operator's or chauffeur's

license or right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this Act shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in this State during the period of such revocation. Any person operating a motor vehicle in violation of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 22 of this Act.

**Sec. 4. What Persons Shall Not Be Licensed:**

(a) An operator's license shall not be issued to any person under the age of fourteen (14) years and no chauffeur's license shall be issued to any person under the age of eighteen (18) years; provided, that the county judge of the county wherein such person resides after investigation may authorize the Department to issue a special permit or license to any such person when in his opinion the person so applying is qualified and conditions exist which makes it necessary for such person to drive or operate a motor vehicle upon a highway.

(b) Neither an operator's or chauffeur's license shall be issued to any person whose license, either as operator or chauffeur, has been suspended during the period for which such license was suspended; nor to any person whose license, either as operator or chauffeur, has been revoked under provision of this Act until the expiration of such revocation as provided in Section 18.

(c) Neither an operator's or chauffeur's license shall be issued to any person who is an habitual drunkard or is addicted to the use of narcotic drugs.

(d) Neither an operator's or chauffeur's license shall be knowingly issued to any applicant who has previously, by a court of competent jurisdiction, been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, and who has not at the time of such application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent.

(e) Neither an operator's or chauffeur's license shall be issued to any person when in the opinion of the Department such person is af-

flicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs in the English language; provided, however, no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle.

**Sec. 5. Instruction Permits:**

(a) Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain an operator's license under this Act, may apply for a temporary instruction permit upon payment of a 25 cent fee, and the Department shall issue such permit entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highway for a period of thirty (30) days, but except when operating a motorcycle, such person must be accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver.

**Sec. 6. Application for Operator's or Chauffeur's License:**

(a) Every application for an operator's or chauffeur's license shall be made upon approved form furnished by the Department and shall be verified by a person authorized to administer oaths, and no fee shall be charged by any officer of this State, or any county thereof, except notaries public, for such verification.

(b) Every application shall state the name, age, sex, residence address and such other physical description as may be required of the applicant and whether or not the applicant has heretofore been licensed as an operator or chauffeur, and if so, when and by what State, and whether or not such license has ever been suspended or revoked, and if so, the date of and reason for such suspension or revocation.

**Sec. 7. Application of Minors:** The Department shall not grant the application of any minor under the age of eighteen (18) years for an operator's license unless such application is signed by the father of the applicant, if the father is living and has the custody

of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen (18) years has no father, mother or guardian, the operator's license shall not be issued to the minor unless his application therefor is signed by his employer, or by the county judge of his residence.

**Sec. 8. Examination of Applicant:**

(a) The Department shall examine every applicant for an operator's or chauffeur's license before issuing any such license, except as otherwise provided in Subdivision (b) of this section. The Department shall examine the applicant as to his physical and mental qualifications to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property and as to whether any facts exist which would bar the issuance of a license under Section 4 of this Act, but such examination shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to operate a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this Act.

(b) The Department shall issue an operator's or chauffeur's license under this Act without examination to every person applying therefor within three (3) months after this section takes effect and who is of sufficient age, as required by Section 4 of this Act, to receive the license applied for and who furnishes evidence satisfactory to the examiner that such applicant can operate a motor vehicle in a satisfactory manner.

**Sec. 9. Designation of Local Officers:**

(a) In all counties of the State of Texas having a population of 75,000 or less, as may be determined by the last preceding Federal Census, the assessor and collector of taxes is hereby designated as an examiner and agent of the Department, with authority to issue any and all licenses and renewals thereof and to give any examinations required hereunder. In counties having a population of 75,000 or over, as determined by the last preceding Federal Census, the Department is hereby authorized to designate or name as an examiner the assessor and collector of taxes, sheriffs, chiefs of police, town marshals, or

any highway patrolman, with full authority to conduct examinations and issue licenses hereunder. In the event a highway patrolman is named as an examiner or inspector for any county, he shall be required to be at the office of the assessor and collector of taxes of said county at all times during office hours in order that the examinations may be conducted and licenses issued thereunder. Where licenses are issued by the assessor and collector of taxes he shall be allowed to retain ten cents for each operator's or chauffeur's license so issued by him, which fee shall be an accountable fee of office, but where such licenses are issued by any other officers, no fee shall be allowed, except as fixed by the Legislature in its biennium appropriation bill. All examinations shall be made and licenses issued hereunder in the county where the applicant resides.

**Sec. 10. Register of Operators and Chauffeurs:**

(a) The Department shall issue to every person licensed as an operator an operator's license and to every person licensed as a chauffeur a chauffeur's license as well as an operator's license. Every chauffeur before operating a motor vehicle for hire shall apply for and receive from the Department and at all times while so operating a motor vehicle for hire shall display in plain sight upon the band of his cap, or under the lapel of his outer coat, a chauffeur's badge. All persons licensed as chauffeurs shall be issued by the Department an operators' license at no additional cost other than fee charged for chauffeur's license.

(b) Every such license shall bear thereon a distinguishing number assigned to the licensee and shall contain the name, age, residence, address and a brief description of the licensee for the purpose of identification, and also a space for the signature and thumb print of the licensee.

(c) Every chauffeur's badge shall be of metal with a plainly readable, distinguishing number assigned to the license stamped thereon.

**Sec. 11. Duplicate License Certificates and Chauffeur's Badges:**

In the event that an operator's or chauffeur's license or a chauffeur's badge issued under the provisions of this Act shall be lost or destroyed, the person to whom the same was is-

sued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the Department that such license or badge has been lost or destroyed and upon the payment of the fees required under this Act.

**Sec. 12. License to be Signed and Carried:**

(a) Every person licensed as a chauffeur or operator shall write his usual signature with pen and ink in the space provided for that purpose on the license certificate issued to him immediately upon receipt of such certificate and such license shall not be valid until the certificate is so signed.

(b) It shall be the duty of each licensee at all times when driving a motor vehicle to make proper showing that he has an operator's license by actual display of such license or by satisfactory identification on demand of any peace officer or agent of the Department. It shall be a defense to any charge under this subsection or Subsection (a) of Section 5 that the person so charged produce in court an operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest.

**Sec. 13. Expiration of Licenses, Fees Therefor and Disposition of Same:**

(a) Every operator's license shall expire within three years from date of issuance, and shall be renewed on or before April 1, 1938, and each three years thereafter, upon payment of the fees required by law, and upon presentation of valid license previously issued under this Act.

(b) Every chauffeur's license issued hereunder shall expire one year from date of issuance and shall be renewed annually upon application and payment of the fees required by law, provided that the Department in its discretion may waive the examination of any such applicant previously licensed as a chauffeur under this Act.

(c) The Department shall provide and furnish suitable forms and blanks for application, registration and license cards or blanks, and all other forms requisite for the purposes of this Act and shall prepay all transportation charges on same to its designated agencies.

(d) Operator's and chauffeur's license fee shall accompany each application made for a license which fee shall be as follows:

Operator's license fee, 25 cents for each three-year term or fraction thereof.

Duplicate operator's license, 25 cents.

Chauffeur's license fee and badge, \$1.00 annually.

Duplicate chauffeur's license fee, 50 cents.

Duplicate chauffeur's badge, 50 cents.

(e) Said fees shall be paid upon application for operator's or chauffeur's license to the person issuing same. All such fees collected by any officer or agent of the Department shall be remitted on Monday of each week with duplicate and triplicate copies of such licenses issued, to the Department at Austin, Texas, and all such fees so collected shall be deposited in the State Treasury in a fund to be known as the "Operator's and Chauffeur's License Fund" which shall be kept separate by the State Treasurer. Such officers or agencies shall furnish bond to be approved by the Public Safety Director of the Department, payable to the Governor of the State of Texas in such amount as said Director may require, conditioned upon remittances to the Department of all chauffeur's and operator's fees collected. The moneys in the Operator's and Chauffeur's License Fund, or as much thereof as may be necessary, shall be used by the Department to defray the expenses of administering this Act as may be provided by the Legislature in the biennium departmental appropriation bill, it being the intention of the Legislature to provide in said bill an itemized budget of all expenditures out of said fund.

(f) At the end of every fiscal year, the Department shall submit a comprehensive and complete report of the receipts and expenses of this Act to the Governor of the State of Texas.

(g) Any chauffeur or operator now licensed under and by virtue of Article 6687 of the Revised Civil Statutes of Texas, 1925, who qualifies for a chauffeur's license under the requirements of this Act, shall be issued an annual chauffeur's license by the Department without charge, within thirty (30) days after this Act takes effect. All moneys that have been collected and deposited in the State Treasury to the credit of the Highway Department received on ac-



count of the issuance of chauffeur's licenses for the year 1935 shall be transferred by the State Treasurer to the "Operator's and Chauffeur's License Fund" in the State Treasury, said fund being provided in Section 13, Subsection (e) hereof, to help defray the initial expense of the administration of this Act.

**Sec. 14. Accident Statistics and Reports:**

(a) The Department shall prepare and shall supply to police and sheriffs' offices and other suitable agencies, forms for accident reports, and such reports shall be made within a reasonable time from the date of such accident by such officers or agencies to the Department at Austin, Texas, sufficiently detailing all the facts with reference to any highway accident, and the persons and vehicles involved.

(b) The Department shall receive accident reports required to be made by law and shall tabulate and analyze such reports and publish annually or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents; and the Department shall biennially report to the Governor and the Legislature the abstract of such reports for the preceding biennium, with its conclusions and findings and recommendations for decreasing highway accidents and increasing safety upon the highways of Texas.

(c) Every hospital or ambulance operator shall make a report to the Department with respect to any injury or death to any person found to have been the result of a motor vehicle accident, when the services of such hospital or ambulance operator are utilized.

(d) Any person hereinabove required to make any report who shall knowingly fail to do so on demand of the Department shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 22 of this Act.

**Sec. 15.** It shall be unlawful for any person to act as an operator or chauffeur who is an habitual drunkard or is addicted to the use of narcotic drugs, or who has been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, and who has not been restored to competency by judicial decree or released from a hospital for the insane or feeble-

minded upon a certificate of the superintendent that such person is competent, and any finding by any court of competent jurisdiction that any person holding an operator's license or chauffeur's license is either insane, feeble-minded, an habitual drunkard, an epileptic, an imbecile, idiot, or addicted to the use of narcotics, shall carry with it a revocation of such operator's and/or chauffeur's license, and it shall be the duty of the clerk of any court in which such findings is made, to certify same to the Department within ten (10) days.

**Sec. 16.** It shall be unlawful for any person who is under the age of twenty-one (21) years to drive a motor vehicle while in use as a school bus for the transportation of pupils to and from school or for any person who is under the age of eighteen (18) years to drive a motor vehicle while in use for hire as a public or common carrier of persons or property.

**Sec. 17.** The clerk of every court and all justices of the peace having jurisdiction over offenses committed under any law of this State regulating the operation of motor vehicles on the highways shall forward to the Department at Austin, Texas, a record of the conviction of any person in said court for a violation of any of said laws, within twenty (20) days from the date of such conviction.

**Sec. 18. Mandatory Suspension or Revocation of License:**

(a) The license of any person shall be automatically suspended or revoked upon final conviction of any of the following offenses:

First: Negligent homicide resulting from the operation of a motor vehicle.

Second: Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug.

Third: Any offense punishable as a felony under the motor vehicle laws of this State.

Fourth: Upon three convictions of violating any of the provisions of Article 801 of the Penal Code of Texas, or Section 10 of Chapter 42 of the General Laws of the Second Called Session of the Forty-first Legislature of Texas, committed within a period of twelve (12) consecutive months.

Fifth: A conviction of a driver of a motor vehicle involved in an accident or collision, upon a charge of

failure to stop, render aid, and disclose his identity at the scene of said accident or collision.

Sixth: Conviction upon two separate charges of aggravated assault upon a person by means of a motor vehicle, as provided by law.

(b) The revocation or suspension above provided shall in the first instance be for a period not exceeding one year, within the discretion of the Department. In event any license shall be revoked or suspended under the provisions of this section for a second time, said second revocation or suspension shall likewise be for a period of not exceeding one additional year.

(c) The revocation or suspension of any license shall be automatically extended upon licensee being convicted of operating a motor vehicle while the license of such person is suspended or revoked; such extended period of revocation or suspension to be for a like period as the original revocation or suspension.

Sec. 19. Any person denied a right to drive a motor vehicle on the highways of this State shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the county court at law in the county wherein such person shall reside, or if there be no county court at law therein, then in the county court of said county, and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon ten (10) days written notice to the Department, and thereupon to take testimony and examine into the facts of the case, and to determine whether the petitioner is entitled to the right to drive a motor vehicle on the highways of this State under the provisions of this Act.

Sec. 20. Surrender and Return of License and Badge:

Upon suspension or revocation of an operator's or chauffeur's license, the Department shall require that such license be surrendered to and retained by the Department, and the badge of any chauffeur whose license is suspended or revoked shall also be surrendered to the Department, provided at the end of a period of suspension such license and badge be returned to the licensee.

Sec. 21. Violation of License Provisions: It shall be unlawful for any

person to commit any of the following acts:

First: To display or cause or permit to be displayed or to have in possession any operator's or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered.

Second: To lend or to knowingly permit the use of, by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof.

Third: To display or to represent as one's own any operator's or chauffeur's license not issued to the person so displaying same.

Fourth: To fail or refuse to surrender to the Department on demand any operator's or chauffeur's license which has been suspended, cancelled or revoked as provided by law.

Fifth: To use a false or fictitious name or give a false or fictitious address in any application for an operator's or chauffeur's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

Sec. 22. Penalty for Violation of Act:

(a) It shall be a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other laws of this State declared to be a felony.

(b) Unless another penalty is in this Act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this Act shall be punished by a fine of not more than two hundred dollars (\$200).

Sec. 23. Penalty for Driving while License Suspended or Revoked:

Any person convicted for driving a motor vehicle while his license is suspended or revoked shall be punished by imprisonment in the county jail for a period of not less than two (2) days, or not more than six (6) months, and there may be imposed in addition thereto a fine of not more than five hundred dollars (\$500).

Sec. 24. All laws or parts of laws in conflict herewith are hereby expressly repealed, and more particularly Article 6687 of Revised Civil Statutes of Texas.

## Sec. 25. Constitutionality:

If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

## Sec. 26. Short Title:

This Act may be cited as the Texas Driver's License Law.

Sec. 27. This Act shall take effect and be in force from and after the first day of October, A. D. 1935.

## Sec. 28. Emergency Clause:

The fact that Texas now has no adequate law providing for the licensing of operators and chauffeurs and that such Act must be immediately passed in order that steps may be taken to put it in force on the date fixed in said Act for its becoming effective, create an emergency and an imperative public necessity, requiring that the constitutional rule, providing that bills be read on three separate days, be suspended, and the same is hereby suspended, and it is so enacted.

POAGE,  
RAWLINGS,  
HOPKINS,  
MARTIN,  
PACE,

On the part of the Senate;

DUNAGAN,  
HARRIS of Dallas,  
COOPER,  
POPE,  
WALKER,

On the part of the House.

Mr. Dunagan moved that the report be adopted.

Mr. Bradbury moved that the report be not adopted and requested the appointment of a new conference committee to adjust the differences between the House and Senate on House Bill No. 71.

Mr. Dunagan moved to table the motion by Mr. Bradbury.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—54

Adamson	Howard
Alexander	Jackson
Alsup	Jefferson
Atchison	Knetsch
Bradford	Lotief
Burton	McCalla
Butler of Brazos	McFarland
Butler of Karnes	Moore
Cagle	Morris
Caldwell	Morse
Calvert	Newton
Celaya	Nicholson
Clayton	Padgett
Collins	Patterson
Colquitt	Quinn
Cooper	Reader
Cowley	Reed of Dallas
Dunagan	Riddle
Dunlap of Hays	Rogers
Duvall	Settle
England	Smith
Ford	Stinson
Fox	Thornton
Hankamer	Waggoner
Harris of Dallas	Walker
Hofheinz	Young
Holland	Youngblood

## Nays—59

Adkins	James
Aikin	Jones of Runnels
Beck	Jones of Shelby
Bergman	Jones of Wise
Bourne	Keefe
Bradbury	King
Broyles	Lanning
Canon	Lindsey
Craddock	Lucas
Crossley	Luker
Daniel	McConnell
Davis	McKinney
Davisson	Palmer
of Eastland	Pope
Fain	Reed of Bowie
Farmer	Roach of Hunt
Fuchs	Roark
Gibson	Roberts
Glass	Rutta
Good	Shofner
Graves	Stanfield
Greathouse	Stovall
Hardin	Tarwater
Harris of Archer	Tillery
Head	Venable
Herzik	Wells
Hill	Westfall
Hodges	Wood of Harrison
Huddleston	Wood of Montague
Hunt	Worley

## Present—Not Voting

Fisher

## Absent

Ash	Lemens
Colson	Leonard
Dickison	Mauritz
Dunlap of Kleberg	McKee
Frazer	Morrison
Gray	Olsen
Hanna	Payne
Hoskins	Petsch
Hunter	Roach of Angelina
Hyder	Roane
Jones of Atascosa	Russell
Jones of Falls	Scarborough
Lange	Spears
Latham	Steward
Leath	Tennyson

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

Question then recurring on the motion by Mr. Bradbury, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 60; nays, 62.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was then called, and the verified vote announced as follows:

## Yeas—59

Adkins	Hodges
Aikin	Huddleston
Alsup	Hunt
Ash	James
Beck	Jones of Runnels
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Broyles	King
Butler of Karnes	Lange
Craddock	Lanning
Crossley	Lindsey
Daniel	Lucas
Davisson	Luker
of Eastland	McConnell
Dunlap of Hays	McKinney
Fain	Reed of Bowie
Farmer	Riddle
Gibson	Roach of Hunt
Glass	Roark
Good	Rogers
Graves	Rutta
Hardin	Shofner
Harris of Archer	Stanfield
Head	Stovall
Herzik	Tarwater

Tennyson  
Tillery  
Venable  
Wells

Westfall  
Wood of Harrison  
Wood of Montague  
Worley

## Nays—59

Adamson	Jones of Atascosa
Alexander	Jones of Falls
Atchison	Knetsch
Burton	Lemens
Butler of Brazos	Lotief
Caldwell	McCalla
Calvert	McFarland
Celaya	McKee
Colquitt	Moore
Cooper	Morris
Cowley	Morse
Dunagan	Newton
Duvall	Nicholson
England	Padgett
Fisher	Patterson
Ford	Quinn
Fox	Reader
Frazer	Reed of Dallas
Fuchs	Roach of Angelina
Gray	Roberts
Hankamer	Settle
Harris of Dallas	Smith
Hill	Spears
Hofheinz	Stinson
Holland	Thornton
Hoskins	Waggoner
Howard	Walker
Hunter	Young
Jackson	Youngblood
Jefferson	

## Absent

Bradford	Leonard
Cagle	Mauritz
Canon	Morrison
Collins	Olsen
Colson	Palmer
Davis	Payne
Dickison	Petsch
Dunlap of Kleberg	Pope
Greathouse	Roane
Hanna	Russell
Hyder	Scarborough
Latham	Steward
Leath	

## Absent—Excused

Clayton	Fitzwater
Davison of Fisher	Hartzog
Dwyer	Moffett

The Chair announced that the motion by Mr. Bradbury was lost.

Mr. McConnell moved that further consideration of the conference committee report on House Bill No. 71 be postponed until 11 o'clock a. m., next Saturday.

Mr. Harris of Dallas moved to table the motion by Mr. McConnell.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—69

Adamson	Keefe
Alexander	Lange
Atchison	Lemens
Bergman	Lotief
Burton	Lucas
Butler of Brazos	McCalla
Cagle	McFarland
Calvert	McKee
Clayton	Moore
Colquitt	Morris
Cooper	Morrison
Cowley	Morse
Dunlap of Hays	Newton
Duvall	Nicholson
England	Olsen
Fisher	Patterson
Ford	Quinn
Fox	Reader
Fuchs	Reed of Dallas
Good	Riddle
Greathouse	Roach of Angelina
Hankamer	Roach of Hunt
Harris of Dallas	Roberts
Hill	Russell
Hodges	Settle
Hofheinz	Smith
Holland	Spears
Hoskins	Stinson
Howard	Thornton
Hunt	Waggoner
Jackson	Walker
James	Wells
Jones of Atascosa	Young
Jones of Falls	Youngblood
Jones of Shelby	

## Nays—48

Adkins	Hardin
Aikin	Harris of Archer
Alsup	Head
Ash	Herzik
Beck	Huddleston
Bourne	Hunter
Bradbury	Jones of Runnels
Broyles	Jones of Wise
Butler of Karnes	King
Craddock	Lanning
Crossley	Lindsey
Daniel	Luker
Davis	Mauritz
Davisson	McConnell
of Eastland	McKinney
Fain	Palmer
Farmer	Reed of Bowie
Gibson	Roark
Glass	Rogers

Rutta  
Shofner  
Stanfield  
Stovall  
Tarwater  
Tennyson

Venable  
Westfall  
Wood of Harrison  
Wood of Montague  
Worley

## Absent

Bradford	Jefferson
Caldwell	Knetsch
Canon	Latham
Celaya	Leath
Collins	Leonard
Colson	Padgett
Dickison	Payne
Dunagan	Petsch
Dunlap of Kleberg	Pope
Frazer	Roane
Graves	Scarborough
Gray	Steward
Hanna	Tillery
Hyder	

## Absent—Excused

Davison of Fisher Hartzog  
Dwyer Moffett  
Fitzwater

Question then recurring on the motion by Mr. Dunagan that the conference committee report be adopted, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 57; nays, 62.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was then called, and the verified vote announced as follows:

## Yeas—57

Adamson	Howard
Alexander	Hunter
Atchison	Jackson
Burton	Jones of Falls
Butler of Brazos	Lange
Cagle	Lemens
Calvert	McCalla
Celaya	McFarland
Colquitt	McKee
Cooper	Moore
Cowley	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Duvall	Newton
England	Nicholson
Fisher	Padgett
Ford	Patterson
Fox	Payne
Fuchs	Quinn
Hankamer	Reader
Harris of Dallas	Reed of Dallas
Hill	Riddle
Hofheinz	Roberts
Holland	Russell

Settle	Waggoner
Smith	Walker
Spears	Young
Stinson	Youngblood
Thornton	

## Nays—62

Adkins	Keefe
Aikin	King
Alsup	Lanning
Ash	Lindsey
Beck	Lotief
Bergman	Lucas
Bourne	Luker
Bradbury	Mauritz
Broyles	McConnell
Butler of Karnes	McKinney
Craddock	Olsen
Crossley	Palmer
Daniel	Pope
Davis	Reed of Bowie
Davisson	Roach of Angelina
of Eastland	Roach of Hunt
Dunlap of Kleberg	Roane
Fain	Roark
Farmer	Rutta
Gibson	Shofner
Glass	Stanfield
Hardin	Stovall
Harris of Archer	Tarwater
Head	Tennyson
Herzik	Tillery
Hodges	Venable
Huddleston	Wells
Hunt	Westfall
James	Wood of Harrison
Jones of Runnels	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	

## Absent

Bradford	Hoskins
Caldwell	Hyder
Canon	Jefferson
Collins	Jones of Atascosa
Colson	Knetsch
Dickison	Latham
Frazer	Leath
Good	Leonard
Graves	Petsch
Gray	Rogers
Greathouse	Scarborough
Hanna	Steward

## Absent—Excused

Clayton	Fitzwater
Davison of Fisher	Hartzog
Dwyer	Moffett

The Chair announced that the motion by Mr. Dunagan, that the report be adopted, was lost.

## Reasons for Vote

At the time I presented the motion as shown on page 2180, I promised

the House I would vote for this bill if the same were referred to free conference and the objectionable features removed. The bill was thereafter referred to the conference. The bill this conference committee reported is a much better one than the one heretofore submitted. I therefore voted against this legislation but voted for adoption of this report because of my promise to the House. Prior to presentation of my motion it was apparent that the House was going to concur and approve the bill as it appeared on page 2159, Daily House Journal.

WALKER.

## MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 163, Permitting the Enrolling Clerk of the House to make a certain correction in House Bill No. 963.

H. C. R. No. 153, Suspending Joint Rules Nos. 23, 24, and 32 so as to consider House Bill No. 1003.

The Senate has passed

H. B. No. 777, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund, and declaring an emergency." (With amendments.)

The Senate has concurred in House amendments to Senate Bill No. 181 by the following vote: Yeas, 18; nays, 9.

The Senate has concurred in House amendments to Senate Bill No. 52 by the following vote: Yeas, 30; nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

## SENATE BILL NO. 529 ON THIRD READING

Mr. Padgett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 529 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—102

Adamson	Jefferson
Alexander	Jones of Atascosa
Alsup	Jones of Shelby
Ash	Jones of Wise
Atchison	Keefe
Beck	King
Bourne	Knetsch
Bradford	Lanning
Burton	Lemens
Butler of Brazos	Leonard
Butler of Karnes	Lindsey
Caldwell	Lotief
Calvert	Luker
Canon	McCalla
Celaya	McConnell
Clayton	McFarland
Collins	McKee
Colquitt	McKinney
Cooper	Moore
Cowley	Morse
Craddock	Newton
Crossley	Nicholson
Daniel	Padgett
Davis	Patterson
Davisson	Petsch
of Eastland	Pope
Dunlap of Hays	Quinn
Dunlap of Kleberg	Reed of Dallas
Duvall	Riddle
England	Roach of Angelina
Fain	Roach of Hunt
Farmer	Roane
Ford	Roark
Fox	Roberts
Frazer	Rutta
Fuchs	Settle
Gibson	Shofner
Glass	Smith
Hankamer	Spears
Harris of Archer	Stinson
Harris of Dallas	Stovall
Head	Tennynson
Herzik	Thornton
Hill	Venable
Hodges	Walker
Hofheinz	Wells
Holland	Westfall
Howard	Wood of Montague
Hunter	Worley
Hyder	Young
Jackson	Youngblood
James	

## Nays—13

Aikin	Lucas
Bergman	Morris
Bradbury	Morrison
Broyles	Palmer
Graves	Reed of Bowie
Hardin	Wood of Harrison
Huddleston	

## Absent

Adkins	Latham
Cagle	Leath
Colson	Mauritz
Dickison	Olsen
Dunagan	Payne
Fisher	Reader
Good	Rogers
Gray	Russell
Greathouse	Scarborough
Hanna	Stanfield
Hoskins	Steward
Hunt	Tarwater
Jones of Falls	Tillery
Jones of Runnels	Waggoner
Lange	

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

The Chair then laid Senate Bill No. 529 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—103

Adamson	Harris of Archer
Alexander	Harris of Dallas
Alsup	Head
Atchison	Herzik
Beck	Hill
Bourne	Hodges
Bradford	Hofheinz
Burton	Holland
Butler of Brazos	Hoskins
Butler of Karnes	Howard
Caldwell	Hunt
Calvert	Hyder
Canon	Jackson
Celaya	James
Clayton	Jefferson
Collins	Jones of Atascosa
Colquitt	Jones of Runnels
Cooper	Jones of Shelby
Cowley	Jones of Wise
Craddock	Keefe
Crossley	King
Daniel	Lanning
Dunagan	Lemens
Dunlap of Hays	Lucas
Duvall	Luker
England	McCalla
Fain	McConnell
Farmer	McFarland
Fisher	McKee
Ford	McKinney
Fox	Moore
Frazer	Morse
Fuchs	Newton
Gibson	Nicholson
Glass	Olsen
Greathouse	Padgett
Hankamer	Patterson

Payne	Smith
Petsch	Spears
Pope	Stanfield
Quinn	Stinson
Reader	Stovall
Reed of Dallas	Tennyson
Riddle	Thornton
Roach of Angelina	Tillery
Roach of Hunt	Walker
Roane	Wells
Roark	Westfall
Roberts	Wood of Montague
Rogers	Worley
Rutta	Youngblood
Settle	

Nays—18

Aikin	Lotief
Bergman	Morris
Bradbury	Morrison
Broyles	Palmer
Davisson	Reed of Bowie
of Eastland	Shofner
Graves	Tarwater
Huddleston	Venable
Knetsch	Wood of Harrison
Lindsey	

Present—Not Voting

Hardin

Absent

Adkins	Jones of Falls
Ash	Lange
Cagle	Latham
Colson	Leath
Davis	Leonard
Dickison	Mauritz
Dunlap of Kleberg	Russell
Good	Scarborough
Gray	Steward
Hanna	Waggoner
Hunter	Young

Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

## TO SUSPEND CERTAIN JOINT RULES

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 62, To suspend certain Joint Rules to consider Senate Bill No. 107.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That all Joint Rules of the House and Senate be, and they are hereby, suspended for the purpose of considering Senate Bill No. 107 until same is finally disposed of.

The resolution was read second time, and was adopted.

## SENATE BILL NO. 504 ON SECOND READING

On motion of Mr. Butler of Brazos, the Forty-eight Hour House Rule and Seventy-two Hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 504.

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 504, A bill to be entitled "An Act providing for a rural school supervisor, prescribing qualifications and duties of said rural school supervisor, providing for the payment of the salary of said rural school supervisor in counties having a population of 21,830 to 22,080, according to the Federal Census of 1930, and a scholastic population of not less than 6,200, as shown by the scholastic census report; etc."

The bill was read second time.

Mr. Butler of Brazos offered the following amendment to the bill:

Amend Senate Bill No. 504 by changing the words "Federal Census of 1930" wherever they appear in the bill to read "last preceding Federal Census," and amend the caption to conform to the changes and to the body of the bill.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

Senate Bill No. 504 was then passed to third reading.

## SENATE BILL NO. 504 ON THIRD READING

Mr. Butler of Brazos moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 504 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120

Adamson	Atchison
Adkins	Beck
Aikin	Bergman
Alexander	Bourne
Alsup	Bradbury
Ash	Bradford



Broyles	Keefe
Burton	King
Butler of Brazos	Knetsch
Butler of Karnes	Lange
Cagle	Lanning
Caldwell	Lemens
Canon	Leonard
Celaya	Lotief
Clayton	Lucas
Collins	Luker
Colquitt	McCalla
Cooper	McFarland
Cowley	McKee
Craddock	McKinney
Daniel	Moore
Davis	Morris
Davisson	Morrison
of Eastland	Morse
Dunagan	Newton
Dunlap of Hays	Nicholson
Duvall	Olsen
England	Padgett
Fain	Palmer
Farmer	Patterson
Fisher	Petsch
Ford	Quinn
Fox	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Riddle
Glass	Roach of Hunt
Good	Roark
Greathouse	Roberts
Hankamer	Russell
Hardin	Rutta
Harris of Archer	Settle
Harris of Dallas	Shofner
Head	Smith
Herzik	Spears
Hill	Stanfield
Hodges	Stinson
Hofheinz	Stovall
Holland	Tarwater
Hoskins	Tennyson
Howard	Thornton
Huddleston	Venable
Hunt	Waggoner
Hunter	Walker
Hyder	Wells
Jackson	Westfall
James	Wood of Harrison
Jefferson	Wood of Montague
Jones of Atascosa	Worley
Jones of Runnels	Young
Jones of Shelby	Youngblood
Jones of Wise	

## Nays—4

Crossley	McConnell
Lindsey	Roane

## Absent

Calvert	Graves
Colson	Gray
Dickison	Hanna
Dunlap of Kleberg	Jones of Falls
Frazer	Latham

Leath	Roach of Angelina
Mauritz	Rogers
Payne	Scarborough
Pope	Steward
Reader	Tillery

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

The Chair then laid Senate Bill No. 504 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—112

Adamson	Hill
Adkins	Hodges
Aikin	Holland
Alexander	Howard
Alsup	Huddleston
Ash	Hunt
Atchison	Hyder
Beck	Jackson
Bergman	James
Bourne	Jefferson
Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Broyles	Jones of Runnels
Burton	Jones of Shelby
Butler of Brazos	Jones of Wise
Butler of Karnes	Keefe
Cagle	King
Caldwell	Knetsch
Canon	Lanning
Clayton	Lemens
Collins	Lotief
Colquitt	Lucas
Cooper	McCalla
Cowley	McFarland
Craddock	McKee
Daniel	McKinney
Davis	Moore
Davisson	Morris
of Eastland	Morrison
Dunlap of Hays	Morse
England	Newton
Fain	Nicholson
Farmer	Olsen
Fisher	Padgett
Ford	Patterson
Fox	Quinn
Fuchs	Reader
Gibson	Reed of Bowie
Glass	Reed of Dallas
Good	Riddle
Gray	Roach of Angelina
Greathouse	Roach of Hunt
Hankamer	Roark
Hardin	Roberts
Harris of Archer	Rogers
Harris of Dallas	Russell
Head	Rutta
Herzik	Settle

Shofner	Waggoner
Smith	Walker
Spears	Wells
Stanfield	Westfall
Stinson	Wood of Harrison
Stovall	Wood of Montague
Tarwater	Worley
Tennyson	Young
Thornton	Youngblood
Venable	

## Nays—4

Crossley	McConnell
Lindsey	Roane

## Absent

Calvert	Lange
Celaya	Latham
Colson	Leath
Dickison	Leonard
Dunagan	Luker
Dunlap of Kleberg	Mauritz
Duvall	Palmer
Frazer	Payne
Graves	Petsch
Hanna	Pope
Hofheinz	Scarborough
Hoskins	Steward
Hunter	Tillery

## Absent—Excused

Davison of Fisher	Hartzog
Dwyer	Moffett
Fitzwater	

**CONFERENCE COMMITTEE RE-  
PORT ON HOUSE BILL  
NO. 327**

On the motion of Mr. Russell, the following conference committee report on House Bill No. 327 was ordered printed in the Journal:

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, to whom was referred House Bill No. 327, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto.

"H. B. No. 327,

**A BILL**

To Be Entitled

An Act appropriating five million dollars (\$5,000,000) per year, or so much thereof as may be necessary, for the next biennium beginning

September 1, 1935, and ending August 31, 1937, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal funds appropriated for the purpose of conducting vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children; attaching conditions, regulations and limitations relative thereto; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; authorizing the use of an amount not to exceed a certain sum for the payment each year of the biennium for high school tuition for rural school pupils according to the provisions of House Bill No. 158, General Laws, Regular Session, Forty-fourth Legislature; providing for the payment of transportation aid under certain conditions; specifying the penalties for violation of any provision of this Act; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing all costs of administering funds named in Section 13, shall be paid out of moneys appropriated in this Act and shall not exceed amounts appropriated by the general appropriation bill for support and maintenance of the executive and administrative departments and agencies of the State for biennium ending August 31, 1937; authorizing the Department of Vocational Rehabilitation to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act; authorizing the State Board of Education and the State Superintendent of Public Instruction to administer the funds appropriated herein; providing purposes for which funds appropriated hereunder may be used; defining powers of State Board of Education and of State Superintendent of Public Instruction; providing for appointment of certain employees; providing for application

for aid; making certain exceptions for counties with less than one thousand four hundred (1,400) scholastics; providing for transfer of entire district under certain conditions; defining the manner of payments and disbursements of all moneys granted under the provisions of this Act; making provisions for performance of duties authorized in this Act in counties where there is no county school board; enacting other provisions necessary and incidental to the provisions of this Act; providing the State shall not be pledged nor obligations incurred against the Rural Aid Fund in any one year in excess of amount appropriated; providing for qualifications of teachers in schools receiving State aid and making certain exemptions; providing no financial aid shall be withheld because of deficiency in certificates held by teachers in a school unless such deficiency is covered by a rule or regulation expressly provided by statute of the State of Texas; providing that the tax provisions and other inhibition provided in said bill shall not apply to school attended by Alabama Indians in Polk County; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Section 1. (Appropriation.) For the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal funds appropriated for the purpose of conducting vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children, there is hereby appropriated out of the General Revenue Fund, five million dollars (\$5,000,000), or so much thereof as may be necessary, for the school year ending August 31, 1936, and five million dollars (\$5,000,000), or so much thereof as may be necessary, for the school year ending August 31, 1937, to be allotted and expended by the State Superintendent under the direction of the State Board of Education; provided that any unexpended balance occurring at the end of the year, 1936, may be transferred

and added to the appropriation for the year ending August 31, 1937.

Sec. 2. (Scholastic Population of District.) State aid under the provisions of this Act may be distributed in such a way as to assist all schools of not fewer than twenty (20) scholastics and not more than four hundred (400) scholastics located in districts of not more than five hundred (500) scholastics, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school districts unit, and all districts composed of entire counties having a scholastic population of less than five thousand (5,000); providing the provisions of this section shall not apply to any school district containing forty-eight (48) square miles of territory or more, or any district of a length of not less than nine miles, for the purpose of receiving transportation aid. It is expressly understood that the provisions and limitations of this section shall not apply to industrial aid, vocational aid and aid for crippled children.

Sec. 3. (Distance Between Schools.) No aid shall be granted to any school under the provisions of this Act which is located within two and one-half (2½) miles of another school of the same race, unless on account of the condition of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district nor to any district which at some previous election has voted to remove such conditions by consolidation.

Sec. 4. (Teacher - Pupil Load.) State aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district for the current year and there shall be deducted all scholastics who have completed the course of study in their

home school, as authorized by the county board of trustees, provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

Sec. 5. (Average Daily Attendance.) No school shall be granted aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) of the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness. Districts where parochial schools are maintained are exempt from the provisions of this section.

Sec. 6. (Tax Levy.) No school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying, and collecting for the current year a local maintenance school tax, exclusive of the tax for interest and sinking fund for bonds, of not less than fifty (50) cents on the one hundred dollars (\$100) of property valuation in the entire district, or not less than seventy-five (75) cents, inclusive of the tax for interest and sinking fund for bonds; and providing further, that the property valuation shall not be less than said property is valued for State and county purposes. Any school district which shall after October 1, 1935, reduce its existing property assessment and/or existing tax rates, thereby enabling it to participate under this Act, shall not be eligible to receive aid from any of the funds herein provided.

Sec. 7. (Taxable Wealth.) No part of the aid herein provided for teachers' salaries shall be given to a school district with an assessed valuation in excess of three thousand dollars (\$3,000) per scholastic as shown by the scholastic census, said valuation being assessed as provided heretofore; provided, that this section does not apply to school districts that levy and assess a one dollar (\$1.00) tax on the one hundred dollars (\$100) valuation of taxable property.

Provided the State Superintendent shall take into consideration, in fixing allowances to school districts, any loss sustained by said district by

reason of the Federal Government buying lands for National forests, and by reason of the location in said districts of University lands, and the State Superintendent shall be authorized to make allocations to said districts by virtue of losses sustained by said districts by reason of Federal purchase of lands, the amounts to be fixed by the State Superintendent based upon existing facts and circumstances as applicable to all other school districts.

Sec. 8. (Salary Schedule.) No part of the aid herein provided shall be used for increasing the monthly salary of any teacher, but funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries to be determined by the State Superintendent of Public Instruction with the approval of the State Board of Education.

Sec. 9. (Length of Term.) All schools of the unaffiliated class receiving aid shall provide a term of approximately eight months. These schools shall be so classified by the county board as to provide as nearly as possible an eight (8) months term out of State, county, and local funds. Should there not be sufficient funds to maintain the schools as herein stated, then aid may be granted subject to the other provisions of this Act. Should any school district eligible to receive aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule as determined by the State Superintendent with the approval of the State Board of Education, the amount of aid received by such school district shall be reduced by the amount of such excess.

Nothing in this Act shall be construed as forcing the consolidation of any schools, nor shall any aid be withheld from any school for its failure to consolidate.

Sec. 10. (High School Tuition.) It is hereby expressly provided that a sufficient amount of funds appropriated by this Act shall be used for the payment of high school tuition not to exceed seven dollars and fifty cents (\$7.50) per pupil per month. High school tuition shall be paid according to the provisions of House Bill No. 158, General Laws, Regular Session, Forty-fourth Legislature. Pro-

viding that the provisions of this section shall not apply to granting of aid under terms of this section for vocational education or crippled children. It is further provided that high school tuition aid, as above set out, shall be granted for pupils transferred to outside high schools from the State Home for Dependent and Neglected Children at Waco and from the Alabama and Coushatti Indian Reservation near Livingston, provided the aid so granted shall not exceed the per capita tuition charged other schools' transferred high school pupils by the high schools affected hereby.

Sec. 11. (Transportation Aid.) The county superintendents and county school board are hereby authorized to set up a system of transportation for the purpose of transporting high school pupils from their districts, to the most convenient accredited high school. The expense of such transportation shall be paid out of funds hereby provided, not to exceed two dollars (\$2) per pupil per month. Provided, further, that in districts composing an entire county, high school transportation aid as authorized in this section may be granted for the purpose of transporting high school pupils within such districts to the most convenient accredited high school.

It is further provided that the districts through which these buses travel may make provisions with the county superintendent and the county school board to have any other children not provided for herein, transported within and between their respective districts, and said district may make application for State aid thereon to an amount not to exceed one dollar (\$1) per month per pupil. Provided, that where regular buses do not run in sparsely settled section of counties which are operating under a county unit system, the county school board and county superintendent are authorized to make provisions for the transportation of pupils within said districts, and may make application for State aid thereon to an amount not to exceed one dollar (\$1) per month per pupil. Providing that all school districts containing one hundred (100) square miles of territory or more may receive transportation aid of two dollars (\$2) per month per pupil. And provided further, that like aid of one dollar (\$1) per month per pupil shall be made in

respect of transportation in any common school district in which there exists two school plants, one of which is a first class four (4) year high school and which said plants are separated by a distance of not less than two and one-half (2½) miles.

Sec. 12. (Penalty Provision.) Any district violating any of the provisions of this Act shall forfeit all rights to such aid and may be disqualified to receive any aid of any nature under any section of this Act for the current year. Should any school which would otherwise be eligible to receive aid agree, provide, or contract with teachers to pay a smaller monthly salary during the remainder of the term following the granting of aid, provided out of local funds, than is paid out of State funds, then such school shall forfeit its right to receive aid. Provided any census trustee who shall wilfully make any false report in his roll or summary shall forfeit the right of the district he serves to receive any amount of money that may be provided for in this Act.

Sec. 13. (Industrial Aid.) Aid may be granted to any one school in the district employing three or more teachers which will provide for the proper instruction and demonstration in farm mechanics, agriculture and home economics, according to the program approved and published by the State Department of Education and employing a teacher or teachers whose qualifications are in accordance with the approved and published standard of the State Department; provided, that the maximum aid to be granted each department shall be the amount actually expended not to exceed one hundred dollars (\$100) for each department per year. It is expressly understood that the provisions and limitations of this section shall not apply to vocational education and crippled children.

Sec. 14. All expenditures for costs of administering the various funds named in this Act shall be paid out of the moneys appropriated in this Act and such expenditures shall not exceed the amounts authorized by the general appropriation bill.

It is herein specifically provided that four million two hundred and eighty thousand dollars (\$4,280,000) of the moneys heretofore appropriated in Section 1 of this Act is hereby specifically allocated for the purpose

of Rural Aid to be administered under the provisions of this Act; five hundred and seventy thousand dollars (\$570,000) of said moneys is hereby allocated for industrial aid and to match Federal funds for vocational agriculture, home economics, trades and industries and general rehabilitation, according to the Federal laws governing vocational education; one hundred and fifty thousand dollars (\$150,000) of said moneys is hereby allocated to support the State's rehabilitation program for crippled children, each of the above-named allocations being for each year of the biennium.

Provided that the Department of Vocational Rehabilitation is hereby authorized to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act.

Sec. 15. (Powers of State Board of Education and of State Superintendent of Public Instruction.) It shall be the duty of the State Board of Education, and it is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of inspectors hereinafter authorized to make a thorough investigation, in person, of the grounds, building, equipment, teaching staff, and financial condition of each school applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of aid is actually needed. Provided, however, that no regulation of the State Superintendent or the State Board of Education shall conflict with any provision of this bill or any present statute. Provided further, that the State Superintendent of Public Instruction shall appoint not to exceed twenty-four supervisors, four stenographers, one director of Rural Aid, one secretary of Rural Aid, and one director relating to high school supervision. The twenty-four supervisors appointed hereunder shall reside in their respective supervisory districts. The salaries and traveling expense of all

such appointees as provided for above in this section shall be paid for out of moneys herein appropriated.

The personnel for administration of vocational education and crippled children shall be appointed by the State Superintendent of Public Instruction. The personnel shall consist of the following:

- 1 State director of vocational agriculture;
  - 1 State supervisor of vocational agriculture;
  - 1 Assistant supervisor of vocational agriculture;
  - 4 District supervisors of vocational agriculture;
  - 1 State director of trades and industries and chairman of division;
  - 1 State supervisor of trades and industries;
  - 4 District supervisors of trades and industries;
  - 1 State director of home economics;
  - 1 State supervisor of home economics;
  - 4 District supervisors of home economics;
  - 3 Stenographers for vocational agriculture and trades and industries and home economics division;
- Extra stenographic help for vocational agriculture, trades and industries and home economics division;
- 1 Director of vocational rehabilitation;
  - 2 Supervisors of rehabilitation;
  - 2 Supervisors for crippled children;
  - 2 Stenographers;
  - 1 Secretary;
  - 1 Chief clerk;
  - Extra help;
  - 1 Janitor for vocational agriculture, trades and industries, and home economics division.

The salaries and travel and other expenses of these appointees as provided for above in this section shall be paid for out of moneys herein appropriated for vocational education, rehabilitation, crippled children, respectively, and in amounts as passed by the Departmental Appropriation Bill for the biennium ending August 31, 1937.

Sec. 16. (Application for Aid.) The trustees of the schools authorized in Section 2, of this Act, may send to the State Superintendent, on forms provided by the State Department of Education, a list of the teachers employed in the school, showing the monthly salary, experience and training of each, together with an item-

ized statement of expected receipts and expenditures, the length of term, and such other information as may be required, and the State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of this fund as will, with the State and county available funds, together with the local funds, maintain the school for a term not to exceed nine (9) months and approximately eight (8) months; provided, that if the school has sufficient State and county available funds to maintain the school for an eight (8) months term according to the salary schedule adopted by the State Board of Education, or with its local maintenance tax, to maintain the desired length of term, not to exceed nine (9) months, as provided in Section 2, it shall not be eligible to receive aid; provided further, that the county superintendent shall approve all contracts with teachers, supervising officers, and bus drivers in all schools before such schools may be eligible to receive aid under any provisions of this Act. Provided, also, that all aid granted out of the funds herein provided shall be allotted only on the basis of need, based upon a proper budgeting of each district asking for any form of aid.

Sec. 17. (Counties With Less Than One Thousand Four Hundred (1,400) Scholastics.) It is hereby provided that schools in sparsely settled counties having less than one thousand four hundred (1,400) scholastic population in the common school districts, may be exempt from the minimum restriction of twenty (20) scholastics; provided, that each district applying for aid is levying and collecting the limit of local support as provided in Section 6, of this Act. Provided, the State Department of Education may grant aid to schools in sparsely settled districts without regard to the number of scholastics or the duration of the term of each school.

Sec. 18. (Transfer of Entire District.) On the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent and State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school

may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and in such event, all of the funds of the district, including the State aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out said agreement.

Sec. 19. (Disbursement.) Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which aid is granted in the same manner as warrants for State apportionments are now transmitted and it shall be the duty of all treasurers of depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

Sec. 20. In counties which constitute a single school district and in which there is no governing body designated as the county school board, the duties authorized by this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts, and all aid shall be granted on the basis of need after proper budgeting.

Sec. 21. (Miscellaneous Provisions.) Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and county available school funds and in all other school funds in the same manner as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high school of the State; provided, however, that no school or school district shall be denied aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm, or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts, and/or supplies were approved by a majority vote of said State Board of Education.

Teachers employed in State aid schools shall be required to have a minimum of two years of college training or the equivalent thereof, and shall be required to have a Texas State Teachers' Certificate of no lower standing than a six-year elementary or a four-year high school grade, provided that those teachers now employed in State schools not measuring up to this standard may continue their work in said aid school, if they will secure credits in some college or university whose credits are recognized by the University of Texas at the rate of six semester hours every two years from the effective date of this Act. Provided, however, that any teacher who has taught school in the public schools of this State for as many as fifteen years, shall be exempt from the provisions of this section.

Sec. 22. It shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to pay by warrant not more than fifty (50) per cent of the total amount allotted to any one school as an initial payment, and that the remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any one year shall not exceed the total appropriation for that year.

The State Board of Education and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more schools its or their allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or appropriations provided for in this measure.

It is specifically provided herein that the State Board of Education and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the rural aid fund in any amount or in any one year in excess of the amount herein appropriated, and it is the sense of the Legislature that the amounts herein appropriated shall be in full of all amounts to be spent for the purposes contemplated by this Act for the period covered by this Act.

Sec. 23. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district, school

teacher, county trustee and/or district trustees or any other person directly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expenses of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated.

Provided further that no financial aid shall ever be withheld from any school entitled to such aid under the provisions of this bill by virtue of an alleged deficiency in the certificates held by the teaching personnel of any such school on account of and/or by virtue of any regulation of the State Superintendent of Public Instruction, the Department of Education, and/or the Board of Education, unless such rule or regulation is expressly provided by statutes of this State.

Provided that the tax provisions and other inhibition provided in said bill shall not apply to the school where the Alabama Indians attend school in Polk County, Texas.

Sec. 24. (Repealing and Constitutional Clauses.) All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is unconstitutional or invalid the remainder of this Act shall, nevertheless, remain in effect.

Sec. 25. (Emergency Clause.) The fact that many schools are in need of additional aid other than State per capita apportionment and local maintenance, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be, and the same is hereby, suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

DUGGAN,  
REDDITT,  
SANDERFORD,  
DAVIS,  
POAGE,

On the part of the Senate;



RUSSELL,  
AIKIN,  
HANKAMER,  
PETSCH,

On the part of the House.

#### HOUSE BILL NO. 777 WITH SENATE AMENDMENTS

Mr. Good called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 777, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

Mr. Good moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Good, McFarland, Smith, Mauritz, and Herzik.

#### HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Leonard:

H. B. No. 1004, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employes of the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to Committee on Appropriations.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 407

Mr. Beck submitted the following conference committee report on House Bill No. 407:

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two Houses on House Bill No. 407, recommend that the bill be passed in the form and text as submitted herewith:

"H. B. No. 407,

#### A BILL

#### To Be Entitled

An Act creating a State System of Public Employment Offices; accepting the provisions of the Wagner-Peyser Act, approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such system, and for other purposes'; designating the Bureau of Labor Statistics as the agency for the administration of this Act; creating a division within the Bureau of Labor Statistics to be known as the Texas State Employment Service, responsible for the administrative system of public employment offices; authorizing and directing the Commissioner of Labor Statistics to establish employment offices in such parts of the State as he deems necessary, and to prescribe the rules and regulations not inconsistent with any provisions of this Act; authorizing the Commissioner of Labor Statistics to appoint the officers and other employes of the Texas State Employment Service; providing that the Federal funds made available to this State under said Act of Congress shall be paid into the Treasury of this State; appropriating said Federal funds and making them available to the Bureau of Labor Statistics to be expended as provided by said Act of Congress and this Act; appropriating the sum of forty-two thousand dollars (\$42,000) for the purpose of maintaining the public employment offices created under this Act and for the purpose of co-operating with the United States Employment Service; providing that

this Act shall take effect on July 1, 1935; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas accepts the provisions of the Wagner-Peyser Act, approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), "An Act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such system, and for other purposes," in conformity with Section 4 thereof, and will observe and comply with the requirements of said Act.

Sec. 2. The Bureau of Labor Statistics is hereby designed and constituted the agency of the State of Texas for the purposes of such Act. Said Bureau, its officers and employees, are hereby given full power to co-operate with all authorities of the United States having powers or duties under such Act and to do and perform all things necessary to secure to the State of Texas the provisions of such Act in the promotion and maintenance of a system of public employment offices.

Sec. 3. There is hereby created within the Bureau of Labor Statistics a division to be known as the Texas State Employment Service, responsible for administering a system of public employment offices for the purpose of assisting employers to secure employees, and workers to secure employment. The Commissioner of Labor Statistics is authorized and directed to establish such offices in such parts of the State as he deems necessary and to prescribe rules and regulations not inconsistent with any of the provisions of this Act.

Sec. 4. The Commissioner of Labor Statistics, in accordance with the regulations prescribed by the Director of the United States Employment Service, shall appoint the officers and other employees of the Texas State Employment Service created under this Act.

Sec. 5. All Federal funds made available to this State under said Act of Congress shall be paid into the Treasury of this State, and said funds are hereby appropriated and made available to the Bureau of Labor Statistics to be expended as provided by said Act of Congress and this Act.

Sec. 6. The sum of six thousand dollars (\$6,000) is hereby appropriated out of any monies in the State Treasury not otherwise appropriated for the purpose of administering the public employment offices created under this Act, and for the purpose of co-operating with the United States Employment Service for the months of July and August, 1935; for the fiscal year commencing the first day of September, 1935, and ending August 31, 1936, the sum of thirty-six thousand dollars (\$36,000) is hereby appropriated out of any monies in the State Treasury not otherwise appropriated for the purpose of administering the public employment offices created under this Act, and for the purpose of co-operating with the United States Employment Service.

Sec. 7. This Act shall take effect July 1, 1935.

Sec. 8. The fact that under the present laws the State of Texas is not permitted to avail itself of the benefits of the Wagner-Peyser Act, approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), and the further fact that the State of Texas will lose all the benefits of said Act on June 30, 1935, unless in the meantime the Legislature of this State shall have enacted a law accepting the provisions of said Act, and the further fact that unemployment of Texas citizens is the most distressing problem confronting this State at this time, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule, for the reading of bills on three several days in each house, and said rule is hereby suspended, and this Act is made to take effect from and after its passage, and it is so enacted.

Respectfully submitted,

SHIVERS,  
BURNS,  
HOPKINS,  
HILL,  
BECK,

On the part of the Senate;

BECK,  
MORRIS,  
HODGES,  
CANON,  
ALSUP,

On the part of the House.

SENATE BILL NO. 479 ON SECOND  
READING

On motion of Mr. Roberts, the Forty-eight Hour House Rule and the Seventy-two Hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 479.

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 479, A bill to be entitled "An Act to create a conservation and reclamation district to be known as New Braunfels - Gulf Water Supply District, consisting of that part of the State included within the Counties of Comal, Guadalupe, Wilson, Karnes, Bee, San Patricio, and Nueces, for fresh water supply purposes, including the power and authority to furnish a water supply to towns, cities, private corporations and individuals, and declaring an emergency."

The bill was read second time.

Mr. Knetsch offered the following amendment to the bill:

Amend Senate Bill No. 479 by striking out the words "Guadalupe County" wherever the same appear in said bill.

KNETSCH,  
McKEE.

The amendment was adopted.

Mr. Roberts offered the following amendment to the bill:

Amend Senate Bill No. 479, page 2, line 22, of mimeographed bill by striking out the word "six" and inserting in lieu thereof the word "five."

The amendment was adopted.

Mr. Roberts offered the following amendment to the bill:

Amend Senate Bill No. 479, page 2, line 26, of mimeographed bill by striking out the word "three" and inserting in lieu thereof the word "two."

The amendment was adopted.

Mr. Butler of Karnes offered the following amendment to the bill:

Amend Senate Bill No. 479, page 2, line 31, of the mimeographed bill by inserting at the beginning of the line: "E. W. Schneider, Wilson County; Frank Moczygemba, Karnes County; H. L. Atkinson, Bee County; L. A. Cage, San Patricio County; H. R. Giles, Nueces County."

BUTLER of Karnes,  
POPE,  
ROBERTS.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

Senate Bill No. 479 was then passed to third reading.

SENATE BILL NO. 479 ON THIRD  
READING

Mr. Roberts moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 479 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Aikin	Howard
Alexander	Huddleston
Alsup	Hyder
Ash	Jefferson
Atchison	Jones of Atascosa
Beck	Jones of Falls
Bergman	Jones of Runnels
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	Lange
Burton	Lindsey
Butler of Brazos	Lotief
Butler of Karnes	Lucas
Celaya	Luker
Colquitt	Mauritz
Craddock	McCalla
Crossley	McConnell
Daniel	McFarland
Davis	McKee
Davisson	Moore
of Eastland	Morris
Dunagan	Morse
Dunlap of Hays	Newton
Dunlap of Kleberg	Olsen
Fain	Padgett
Farmer	Palmer
Fisher	Patterson
Ford	Payne
Fox	Pope
Gibson	Quinn
Glass	Reader
Good	Reed of Bowie
Gray	Reed of Dallas
Hankamer	Riddle
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roane
Head	Roark
Herzik	Roberts
Hill	Russell
Hodges	Rutta
Hofheinz	Settle
Holland	Shofner
Hoskins	Smith

Spears	Walker
Stanfield	Wells
Stinson	Westfall
Stovall	Wood of Harrison
Tennyson	Wood of Montague
Thornton	Worley
Venable	Young
Waggoner	Youngblood

## Absent

Adamson	Hunter
Adkins	Jackson
Cagle	James
Caldwell	King
Calvert	Knetsch
Canon	Lanning
Collins	Latham
Colson	Leath
Cooper	Lemens
Cowley	Leonard
Dickison	McKinney
Duvall	Morrison
Dwyer	Nicholson
England	Petsch
Frazer	Rogers
Fuchs	Scarborough
Graves	Steward
Greathouse	Tarwater
Hanna	Tillery
Hunt	

## Absent—Excused

Clayton	Hartzog
Davison of Fisher	Moffett
Fitzwater	

The Chair then laid Senate Bill No. 479 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—108

Aikin	Dunlap of Hays
Alexander	Dunlap of Kleberg
Alsup	England
Ash	Fain
Atchison	Farmer
Beck	Fisher
Bergman	Ford
Bourne	Fox
Bradbury	Gibson
Broyles	Glass
Burton	Good
Butler of Brazos	Gray
Butler of Karnes	Hankamer
Cagle	Hardin
Celaya	Harris of Archer
Colquitt	Harris of Dallas
Craddock	Head
Crossley	Herzik
Daniel	Hill
Davis	Hodges
Davisson	Hofheinz
of Eastland	Holland
Dunagan	Hoskins

Howard	Payne
Huddleston	Pope
Hyder	Quinn
Jackson	Reader
James	Reed of Bowie
Jefferson	Reed of Dallas
Jones of Atascosa	Riddle
Jones of Falls	Roach of Angelina
Jones of Runnels	Roach of Hunt
Jones of Shelby	Roark
Jones of Wise	Roberts
Keefe	Russell
Lange	Rutta
Lanning	Settle
Lindsey	Shofner
Lotief	Smith
Lucas	Spears
Luker	Stanfield
Mauritz	Stovall
McCalla	Tarwater
McConnell	Tennyson
McFarland	Thornton
McKee	Waggoner
Moore	Walker
Morris	Wells
Morrison	Westfall
Morse	Wood of Harrison
Newton	Wood of Montague
Nicholson	Worley
Olsen	Young
Palmer	Youngblood
Patterson	

## Absent

Adamson	Hunter
Adkins	King
Bradford	Knetsch
Caldwell	Latham
Calvert	Leath
Canon	Lemens
Collins	Leonard
Colson	McKinney
Cooper	Padgett
Cowley	Petsch
Dickison	Roane
Duvall	Rogers
Frazer	Scarborough
Fuchs	Steward
Graves	Stinson
Greathouse	Tillery
Hanna	Venable
Hunt	

## Absent—Excused

Clayton	Fitzwater
Davison of Fisher	Hartzog
Dwyer	Moffett

## HOUSE BILL NO. 944 ON SECOND READING

On motion of Mr. Celaya, the Forty-eight-hour House Rule and the Seventy-two-hour House Rule were suspended at this time for the purpose of considering House Bill No. 944.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 944, A bill to be entitled "An Act amending Article 7105, eliminating from the provisions thereof, ferry, bridge, turnpike and toll companies, and declaring an emergency."

The bill was read second time.

Mr. Celaya offered the following committee amendments to the bill:

Amend House Bill No. 944 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 7105, Revised Civil Statutes of the State of Texas, 1925, as amended, Acts of 1933, Forty-third Legislature, page 409, Chapter 162, 12, be, and the same is hereby, amended so that the same shall hereafter read as follows:

"Each incorporated railroad company, oil pipe line company, and all common carrier pipe line companies of every character whatsoever, engaged in the transportation of oil, doing business wholly or in part within this State, whether incorporated under the laws of this State, or of any other State, territory or foreign country, and every other individual, company, corporation or association doing business of the same character in this State, in addition to the ad valorem taxes on tangible properties which are or may be imposed upon them, respectively, by law, shall pay an annual tax to the State, beginning with the first day of January of each year, on their intangible assets and property, and local taxes thereon to the counties in which its business is carried on; which additional tax shall be assessed and levied upon such intangible assets and property in the manner provided in this chapter. The county or counties in which such taxes are to be paid, and the manner of apportionment of the same, shall be determined in accordance with the provisions of this chapter."

Sec. 2. The crowded condition of the calendar and the near approach of the end of the Session, together with the cost of the collection of intangible assets tax from the companies eliminated from the law, creates an emergency and imperative public necessity for the suspension of the

constitutional rule, requiring bills to be read on three several days in each house, and said rule is hereby suspended, and that this Act be in force from and after its passage, and it is so enacted.

Amend House Bill No. 944 by striking out all above the enacting clause and inserting in lieu thereof the following:

#### "A BILL

#### To Be Entitled

An Act amending Article 7105, as amended Acts 1933, Forty-third Legislature, page 409, Chapter 162, 12, eliminating from the provisions thereof ferry, bridge, turnpike and toll companies, and declaring an emergency."

The amendments were severally adopted.

Question—Shall House Bill No. 944 pass to engrossment?

#### HOUSE BILL NO. 998 ON SECOND READING

On motion of Mr. Pope, the Forty-eight Hour House Rule and the Seventy-two Hour House Rule were suspended, at this time, for the purpose of considering House Bill No. 998.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 998, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 66, House Bill No. 122, of the General and Special Laws of the Forty-third Legislature, Second Called Session, page 146; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

#### HOUSE BILL NO. 998 ON THIRD READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 998 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adkins  
Aikin

Alexander  
Alsup

Ash	King
Atchison	Lanning
Beck	Lindsey
Bergman	Lotief
Bourne	Lucas
Bradbury	Luker
Bradford	Mauritz
Broyles	McConnell
Burton	McFarland
Butler of Brazos	McKee
Butler of Karnes	McKinney
Colquitt	Moore
Cooper	Morris
Craddock	Morrison
Crossley	Newton
Daniel	Nicholson
Davis	Olsen
Davisson	Padgett
of Eastland	Patterson
Dunlap of Hays	Payne
England	Pope
Fain	Quinn
Farmer	Reader
Fisher	Reed of Bowie
For	Reed of Dallas
Fuchs	Riddle
Gibson	Roach of Angelina
Glass	Roach of Hunt
Good	Roark
Gray	Roberts
Hankamer	Russell
Hardin	Rutta
Harris of Archer	Shofner
Head	Smith
Herzik	Spears
Hill	Stanfield
Hodges	Stinson
Hofheinz	Stovall
Holland	Tarwater
Hoskins	Tennyson
Howard	Thornton
Huddleston	Venable
Hunter	Waggoner
Hyder	Walker
Jackson	Wells
James	Westfall
Jefferson	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Young
Keefe	Youngblood

## Nays—2

McCalla

Morse

## Absent

Adamson	Dunagan
Cagle	Dunlap of Kleberg
Caldwell	Duvall
Calvert	Dwyer
Canon	Fox
Celaya	Frazer
Collins	Graves
Colson	Greathouse
Cowley	Hanna
Dickison	Harris of Dallas

Hunt	Palmer
Jones of Atascosa	Petsch
Jones of Runnels	Roane
Knetsch	Rogers
Lange	Scarborough
Latham	Settle
Leath	Steward
Lemens	Tillery
Leonard	

## Absent—Excused

Clayton	Hartzog
Davison of Fisher	Moffett
Fitzwater	

The Chair then laid House Bill No. 998 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—105

Adkins	Hoskins
Aikin	Huddleston
Alexander	Hunter
Alsup	Hyder
Ash	Jackson
Atchison	James
Beck	Jefferson
Bergman	Jones of Falls
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	King
Burton	Lange
Butler of Brazos	Lanning
Butler of Karnes	Lindsey
Cagle	Lucas
Colquitt	Mauritz
Cooper	McConnell
Craddock	McKee
Crossley	McKinney
Daniel	Moore
Davis	Morris
Davisson	Morrison
of Eastland	Newton
Dunlap of Hays	Nicholson
England	Olsen
Fain	Padgett
Farmer	Palmer
Fisher	Patterson
Ford	Payne
Fox	Pope
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Gray	Riddle
Hankamer	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roark
Head	Roberts
Herzik	Russell
Hill	Rutta
Hodges	Shofner
Holland	Smith

Spears	Waggoner
Stanfield	Walker
Steward	Wells
Stinson	Westfall
Stovall	Wood of Harrison
Tarwater	Wood of Montague
Tennyson	Worley
Thornton	Young
Venable	Youngblood

Nays—3

Hofheinz	Morse
McCalla	

Absent

Adamson	Howard
Caldwell	Hunt
Calvert	Jones of Atascosa
Canon	Jones of Runnels
Celaya	Knetsch
Collins	Latham
Colson	Leath
Cowley	Lemens
Dickison	Leonard
Dunagan	Lotief
Dunlap of Kleberg	Luker
Duvall	McFarland
Dwyer	Petsch
Frazer	Roane
Graves	Rogers
Greathouse	Scarborough
Hanna	Settle
Harris of Dallas	Tillery

Absent—Excused

Clayton	Hartzog
Davison of Fisher	Moffett
Fitzwater	

## HOUSE BILL NO. 1003 ON SECOND READING

On motion of Mr. Worley, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering at this time, House Bill No. 1003.

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1003, A bill to be entitled "An Act permitting trustees of independent school districts in certain counties to issue time warrants for the purpose of taking up, refunding, and extending indebtedness incurred for the legal maintenance of schools in said districts up to June 1, 1935; etc., and declaring an emergency."

The bill was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 1003 was then passed to engrossment.

## HOUSE BILL NO. 1003 ON THIRD READING

Mr. Worley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1003 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adkins	Keefe
Aikin	King
Alexander	Lange
Alsup	Lanning
Ash	Leath
Atchison	Lindsey
Beck	Lotief
Bergman	Lucas
Bourne	Luker
Bradbury	Mauritz
Bradford	McCalla
Broyles	McConnell
Burton	McKee
Butler of Brazos	McKinney
Butler of Karnes	Moore
Celaya	Morris
Colquitt	Morrison
Craddock	Morse
Crossley	Newton
Daniel	Nicholson
Davis	Olsen
Dunlap of Hays	Padgett
England	Patterson
Fain	Payne
Farmer	Pope
Fisher	Quinn
Ford	Reader
Fox	Reed of Bowie
Gibson	Reed of Dallas
Glass	Riddle
Good	Roach of Angelina
Gray	Roach of Hunt
Hankamer	Roark
Hardin	Roberts
Harris of Archer	Russell
Head	Rutta
Herzik	Shofner
Hill	Smith
Hodges	Spears
Hofheinz	Stanfield
Holland	Steward
Hoskins	Stinson
Howard	Stovall
Huddleston	Tarwater
Hunter	Tennyson
Hyder	Thornton
Jackson	Venable
Jefferson	Waggoner
Jones of Falls	Walker
Jones of Shelby	Wells
Jones of Wise	Westfall

Wood of Harrison Young  
Wood of Montague Youngblood  
Worley.

## Absent

Adamson	Hanna
Cagle	Harris of Dallas
Caldwell	Hunt
Calvert	James
Canon	Jones of Atascosa
Collins	Jones of Runnels
Colson	Knetsch
Cooper	Latham
Cowley	Lemens
Davisson	Leonard
of Eastland	McFarland
Dickison	Palmer
Dunagan	Petsch
Dunlap of Kleberg	Roane
Duvall	Rogers
Frazer	Scarborough
Fuchs	Settle
Graves	Tillery
Greathouse	

## Absent—Excused

Clayton	Fitzwater
Davison of Fisher	Hartzog
Dwyer	Moffett

The Chair then laid House Bill No. 1003 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—108

Adkins	Fox
Aikin	Gibson
Alexander	Glass
Alsup	Good
Ash	Gray
Atchison	Hankamer
Beck	Hardin
Bergman	Harris of Archer
Bourne	Head
Bradbury	Herzik
Bradford	Hill
Broyles	Hodges
Burton	Hofheinz
Butler of Brazos	Holland
Butler of Karnes	Hoskins
Celaya	Howard
Craddock	Huddleston
Crossley	Hunter
Daniel	Hyder
Davis	Jackson
Davisson	James
of Eastland	Jefferson
Dunlap of Hays	Jones of Falls
Dunlap of Kleberg	Jones of Shelby
England	Jones of Wise
Fain	Keefe
Farmer	King
Fisher	Lange
Ford	Lanning

Leath	Riddle
Lindsey	Roach of Angelina
Lotief	Roach of Hunt
Lucas	Roark
Luker	Roberts
Mauritz	Russell
McCalla	Rutta
McConnell	Shofner
McKee	Smith
McKinney	Spears
Moore	Stanfield
Morris	Steward
Morrison	Stinson
Morse	Stovall
Newton	Tarwater
Nicholson	Tennyson
Olsen	Thornton
Padgett	Venable
Palmer	Walker
Patterson	Wells
Payne	Westfall
Pope	Wood of Harrison
Quinn	Wood of Montague
Reader	Worley
Reed of Bowie	Youngblood
Reed of Dallas	

## Nays—1

Roane

## Absent

Adamson	Hanna
Cagle	Harris of Dallas
Caldwell	Hunt
Calvert	Jones of Atascosa
Canon	Jones of Runnels
Collins	Knetsch
Colquitt	Latham
Colson	Lemens
Cooper	Leonard
Cowley	McFarland
Dickison	Petsch
Dunagan	Rogers
Duvall	Scarborough
Frazer	Settle
Fuchs	Tillery
Graves	Waggoner
Greathouse	Young

## Absent—Excused

Clayton	Fitzwater
Davison of Fisher	Hartzog
Dwyer	Moffett

## SENATE BILL NO. 435 ON SECOND READING

On motion of Mr. Spears, the Forty-eight Hour House Rule and the Seventy-two Hour House Rule, and the regular order of business were suspended, for the purpose of taking up and considering, at this time, Senate Bill No. 435.



The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 435, A bill to be entitled "An Act to amend the law controlling Water Control and Improvement Districts, as embraced in Sections 33 and 45 of Chapter 25 of the General Laws enacted by the Thirty-ninth Legislature of Texas at its Regular Session; and Section 3 of Chapter 280 of the General Laws enacted by the Forty-first Legislature at its Regular Session, in the following respects, i. e., and declaring an emergency."

The bill was read second time.

Mr. Spears offered the following amendment to the bill:

Amend Senate Bill No. 435 by inserting a new paragraph to be known as Section 4-a following Section 4 and between lines 17 and 18, page 7, such new paragraph reading as follows:

"Sec. 4-a. The provisions of this Act shall apply to, and be effective in, only those counties having a population, according to the last Federal Census, of not less than 290,000 and not in excess of 310,000, and the water control and improvement districts within such counties."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

Senate Bill No. 435 was then passed to third reading.

#### SENATE BILL NO. 435 ON THIRD READING

Mr. Spears moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 435 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100

Adkins	Bourne
Aikin	Bradbury
Alexander	Bradford
Alsop	Broyles
Ash	Burton
Atchison	Butler of Karnes
Beck	Cagle

Celaya	Lucas
Colquitt	Luker
Craddock	Mauritz
Crossley	McCalla
Daniel	McConnell
Davis	McKee
Davisson	McKinney
of Eastland	Moore
Dunlap of Hays	Morris
Dunlap of Kleberg	Morrison
England	Morse
Fain	Newton
Farmer	Nicholson
Fisher	Olsen
Fox	Padgett
Fuchs	Patterson
Gibson	Payne
Glass	Reader
Good	Reed of Bowie
Gray	Reed of Dallas
Hankamer	Riddle
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Head	Roark
Herzik	Roberts
Hill	Russell
Hodges	Rutta
Holland	Shofner
Hoskins	Smith
Howard	Spears
Huddleston	Stanfield
Hunter	Stinson
Hyder	Stovall
Jackson	Tarwater
James	Tennyson
Jones of Atascosa	Thornton
Jones of Falls	Venable
Jones of Shelby	Wells
Jones of Wise	Westfall
Keefe	Wood of Harrison
King	Wood of Montague
Lange	Worley
Lanning	Young
Lindsey	Youngblood
Lotief	

Nays—1

Quinn

Absent

Adamson	Graves
Bergman	Greathouse
Butler of Brazos	Hanna
Caldwell	Harris of Dallas
Calvert	Hofheinz
Canon	Hunt
Collins	Jefferson
Colson	Jones of Runnels
Cooper	Knetsch
Cowley	Latham
Dickison	Leath
Dunagan	Lemens
Duvall	Leonard
Dwyer	McFarland
Ford	Palmer
Frazer	Petsch

Pope	Steward
Roane	Tillery
Rogers	Waggoner
Scarborough	Walker
Settle	

Absent—Excused

Clayton	Hartzog
Davison of Fisher	Moffett
Fitzwater	

The Chair then laid Senate Bill No. 435 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Adkins	Hyder
Aikin	Jackson
Alexander	James
Alsup	Jefferson
Ash	Jones of Atascosa
Atchison	Jones of Falls
Beck	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Bradford	King
Broyles	Lange
Burton	Lanning
Butler of Karnes	Lotief
Cagle	Lucas
Celaya	Luker
Colquitt	Maumitz
Craddock	McCalla
Crossley	McConnell
Daniel	McKee
Davis	McKinney
Davisson	Moore
of Eastland	Morris
Dunlap of Hays	Morrison
Dunlap of Kleberg	Morse
England	Newton
Fain	Nicholson
Farmer	Olsen
Fisher	Padgett
Ford	Palmer
Fox	Patterson
Gibson	Payne
Glass	Reader
Good	Reed of Dallas
Gray	Riddle
Hankamer	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roane
Head	Roark
Herzik	Roberts
Hill	Russell
Hodges	Rutta
Hofheinz	Shofner
Holland	Smith
Hoskins	Spears
Huddleston	Stanfield
Hunter	Steward

Stinson	Wells
Stovall	Westfall
Tarwater	Wood of Harrison
Tennyson	Wood of Montague
Thornton	Worley
Venable	Young
Walker	Youngblood

Nays—1

Quinn

Absent

Adamson	Howard
Bergman	Hunt
Butler of Brazos	Jones of Runnels
Caldwell	Knetsch
Calvert	Latham
Canon	Leath
Collins	Lemens
Colson	Leonard
Cooper	Lindsey
Cowley	McFarland
Dickison	Petsch
Dunagan	Pope
Duvall	Reed of Bowie
Frazer	Rogers
Fuchs	Scarborough
Graves	Settle
Greathouse	Tillery
Hanna	Waggoner
Harris of Dallas	

Absent—Excused

Clayton	Fitzwater
Davison of Fisher	Hartzog
Dwyer	Moffett

## SENATE BILL NO. 12 ON SECOND READING

On motion of Mr. Lanning, the Seventy-two-hour House Rule and the Forty-eight-hour House Rule were suspended at this time for the purpose of considering Senate Bill No. 12.

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 12, A bill to be entitled "An Act creating a cause of legal action against a man for support of his wife or minor child; defining the same; giving remedies; providing a jurisdiction and procedure; declaring the remedies here given to be cumulative of others; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time.

Question—Shall Senate Bill No. 12 pass to third reading?

CONFERENCE COMMITTEE RE-  
PORT ON SENATE JOINT  
RESOLUTION NO. 26

Mr. Alexander submitted the following conference committee report on Senate Joint Resolution No. 26:

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, to whom was referred Senate Joint Resolution No. 26, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said resolution pass in the form attached hereto.

"S. J. R. No. 26,

A Joint Resolution

Proposing an amendment to Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, composed of three members, whose terms of office shall be for a period of six years, one to be appointed by the Governor, one by the Chief Justice of the Supreme Court of the State of Texas, and one by the Presiding Justice of the Court of Criminal Appeals, such appointments to be with the advice and consent of two-thirds of the Senate present; and so as to provide that the Governor of the State shall have the power, on the recommendation and advice of the majority of the Board of Pardons and Paroles, to grant reprieves, commutations of punishment and pardons and to remit fines and forfeitures, and, with the advice and consent of the Legislature, to grant reprieves, commutations of punishment and pardons in cases of treason; and to provide that the Governor shall have power to grant one reprieve in any capital case not to exceed thirty (30) days; and shall have power to revoke paroles and conditional pardons; and to provide that the Legislature shall have authority to regulate procedure before the Board and to enact parole laws; and to provide for an election for such proposed constitutional

amendment, and to make an appropriation therefor."

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 11 of Article IV of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Section 11. There is hereby created a Board of Pardons and Paroles, to be composed of three members, who shall have been resident citizens of the State of Texas for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years; provided that of the members of the first Board appointed, one shall serve for two years, one for four years, and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said Board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas, and one member by the Presiding Justice of the Court of Criminal Appeals; the appointments of all members of said Board shall be made with the advice and consent of two-thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position and the appointive powers shall have the authority to make recess appointments until the convening of the Senate.

"In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, on the written signed recommendations and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and he shall have the power to revoke paroles and conditional pardons. With the advice and consent of the Legislature, he may grant reprieves, commutations of punishment and pardons in cases of treason.

"The Legislature shall have power to regulate procedure before the Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons therefor, and shall have authority to enact parole laws."

Sec. 2. The foregoing constitutional amendment shall be submitted to the electors of this State who are qualified to vote on proposed constitutional amendments at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1936, at which election each ballot shall have printed thereon the words:

"For the amendment of Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, and to make the Governor's pardoning power subject to recommendation of said Board, except in cases of treason the Governor may grant reprieves, commutations and pardons with the advice and consent of the Legislature.

"Against the amendment of Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, and to make the Governor's pardoning power subject to recommendation of said Board, except in cases of treason the Governor may grant reprieves, commutations and pardons with the advice and consent of the Legislature."

Each voter shall strike out with pen or pencil the clause which does not indicate his desire regarding the above proposed amendment.

Sec. 3. The Governor is hereby directed to issue the necessary proclamation for said election, and to have the above proposed amendment published in the manner and for the time required by the Constitution and Laws of this State.

Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury, not otherwise appropriated, to pay the expenses of such publication and election.

Respectfully submitted,

BURNS,  
BLACKERT,  
ONEAL,

DeBERRY,  
COTTEN,

On the part of the Senate;

JONES of Atascosa,  
STOVALL,  
ALEXANDER,  
CAGLE,  
GRAY,

On the part of the House.

#### LEAVE OF ABSENCE GRANTED

Mr. Clayton was granted temporary leave of absence for this morning and this afternoon, on account of important committee work, on motion of Mr. Glass.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 402, "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of Brown, Callahan, Comanche, or Eastland Counties in the State of Texas."

S. B. No. 499, "An Act granting permission to the International-Great Northern Railroad Company, Chicago, Burlington & Quincy Railroad Company, and any other railroad company or carrier interested in a shipment of a carload of steel wheels, with and without rubber tires and also extra weight steel and iron shipped by the Highway Department of the State of Texas, which is also the State Highway Commission of the State of Texas, over said railroads to Davenport, State of Iowa, consigned to French & Hecht, on or about March 22, 1932, etc., and declaring an emergency."

S. B. No. 493, "An Act amending Article 6954, Chapter 6, Title 121, of the Revised Civil Statutes of Texas, 1925, etc."

S. B. No. 153, "An Act relating to checks or drafts returned unpaid when given the tax collectors or the assessors and collectors of taxes in payment of the registration license

fees and number plates on any motor vehicle, truck, tractor trailer, motorcycle, or motorcycle side car, etc."

S. B. No. 143, "An Act prohibiting any owner or person having control of any horse, mule, donkey, cow, bull, steer, hog, sheep, goat, or any other live stock from permitting or allowing the same to traverse or roam at large upon the right of way of any designated State highway of this State, and declaring an emergency."

S. B. No. 149, "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years ending August 31, 1934, and August 31, 1935, respectively, and declaring an emergency."

S. B. No. 509, "An Act to amend Article 8197-b, Chapter 8, Title 128, of the Revised Civil Statutes of the State of Texas, as amended by Acts of the Forty-first Legislature, Fourth Called Session, page 71, Chapter 34, relating to the issuance of refunding bonds by any district that may have availed itself of the provisions of Article 8195 and become a conservation and reclamation district, and repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 523, "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, as amended by Act of the Forty-third Legislature, approved March 10, 1933, and as amended by Senate Bill No. 242 passed by the Forty-fourth Legislature, relating to the administration of the private corporations in receivership and providing for the extension of time of such receiverships, and declaring an emergency."

S. B. No. 290, "An Act requiring fee officers collecting fees in criminal cases to give official receipts for all moneys collected in official capacities; providing the manner and method of handling same; providing a penalty for failure to comply herewith, and declaring an emergency."

H. B. No. 187, "An Act to provide for creating Firemen's Relief and Pension Fund in the State of Texas and in all incorporated cities and towns thereof, having a regularly organized fire department with fire fighting equipment or apparatus of the value

of one hundred dollars (\$100) or more therein; levying and assessing a designated tax of 2.6 per centum of all gross insurance premium receipts, less return premiums paid policyholders, collected or received from all fire and other kinds of insurance, except life insurance, and appropriating the proceeds of such tax to such Firemen's Relief and Pension Fund; etc., and declaring an emergency."

H. B. No. 522, "An Act to amend Chapter 138 of the Acts of the Regular Session of the Forty-third Legislature; extending the provisions of said Act so as to include associations or organizations, or local mutual aid associations, or State-wide mutual associations, and extending the provisions of said Act so as to include insurance consultants, requiring such to obtain a license, and providing for annual fee and annual report for all agents licensed under the provisions of this Act, and providing for penalties, and declaring an emergency."

S. B. No. 42, "An Act amending Article 5449, 1925 Civil Statutes, so as to provide that when any abstract of judgment has been recorded it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county during the life of the judgment, and declaring an emergency."

S. J. R. No. 6, Proposing an amendment to the Constitution of the State of Texas by adding to Article XVI another section, Section 61, providing for abolishing the fee method of compensating all district officers of this State and county officers in counties of this State having a population of twenty thousand (20,000) or more, and providing that all such district and county officers be paid on a salary basis, and providing that all precinct officers may be compensated on a fee basis, or on a salary basis, and authorizing the commissioners courts to determine whether certain county and precinct officers shall be paid on a fee basis or a salary basis.

S. C. R. No. 55, Instructing Enrolling Clerk of the Senate to cor-

rect certain typographical errors in Senate Bill No. 52.

S. C. R. No. 61, Suspending certain Joint Rules to consider Senate Bill No. 355.

S. C. R. No. 60, To suspend certain Joint Rule to consider certain bills.

### ADJOURNMENT

Mr. Westfall moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Quinn moved that the House recess to 8:15 o'clock p. m., today.

Question recurring on the motion by Mr. Westfall, it prevailed, and the House, accordingly, at 6:15 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Conservation and Reclamation: Senate Bill No. 355.

Education: Senate Bill No. 504.

Public Health: Senate Bill No. 181.

State Affairs: Senate Concurrent Resolutions Nos. 47 and 57; Senate Bills Nos. 319 and 526.

The Committee on Common Carriers filed an adverse report on House Bill No. 184.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1001, A bill to be entitled "An Act to amend Article 2789, Revised Civil Statutes of 1925, as amended by Chapter 32, Acts of the Regular Session of the Forty-third Legislature, by making provision that refunding bonds may be issued as term or as serial bonds, maturing in either case within forty (40) years from

date of issue and may be made optional on any interest payment date as the governing board shall direct, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 193, A bill to be entitled "An Act amending Article 793 of the Code of Criminal Procedure and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 777, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 137, Suspending Joint Rules Nos. 23, 24 and 32 of the House and Senate, so as to permit consideration by both houses of House Bill No. 999, which is a local bill applying only to one irrigation district in Hidalgo County,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 900, "An Act to amend Chapter 2, of Title 116, of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article to be known as 'Article 6711-a,' providing that upon application of ten (10) or more resident citizens of the Counties of Leon or Madison, or one person living within an enclosure of five hundred (500) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes or bays in the Counties of Leon or Madison; providing for notice and hearing on said application; providing for damages to land owners where roads are opened; providing that the commissioners court shall not be required to keep such roads worked; providing that this Act shall only apply where there is space of at least five (5) miles along any navigable river, lake or bay with no present road or public thoroughfare; providing for laying out of rights of way of the width of sixty (60) feet running parallel to the out bank of any navigable stream in these aforementioned counties; declaring a public necessity for certain

roads provided for herein; defining navigable streams and public lakes; providing that the provisions of this Act shall be applicable to the Counties of Leon or Madison only, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 773, "An Act authorizing the governing body of any incorporated city or town having a population of two hundred and ninety thousand (290,000) or more, according to the preceding Federal Census, to formulate and devise a pension plan, said pension plan before becoming effective to be approved by the qualified electors of such city or town; providing said pension plan shall not be compulsory to employes of such city or town; providing that Articles 6229 to 6243, inclusive, Revised Civil Statutes of Texas of 1925, as amended by Acts of 1933, Forty-third Legislature, page 206, Chapter 94, shall not apply to cities formulating and devising a pension plan under the terms and provisions of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

## In Memory of Hon. A. C. Johnson

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Mr. Rogers offered the following resolution:

Whereas, The House of Representatives has learned with sorrow of the untimely death of the Hon. A. C. Johnson of Dalhart, Texas, on May 9; and

Whereas, The Hon. A. C. Johnson served with distinction as a Representative of the One Hundred and Twenty-fourth Legislative District in the Forty-first and Forty-second Legislatures; and

Whereas, Mr. Johnson was an honored citizen of his community, a leader in civic affairs, and beloved by all who knew him; therefore, be it

Resolved by the House of Representatives, That we express our sympathy to the wife and daughter of this distinguished citizen, and that the Chief Clerk of the House be instructed to mail a copy of this resolution to the members of his family; and be it further

Resolved, That this resolution be printed in the Journal, and that when we adjourn today it shall be in memory of the deceased.

ROGERS.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Hoskins, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.



## In Memory of Hon. James Henry Beall, Sr.

---

Mr. Davison of Fisher offered the following resolution:

Whereas, James Henry Beall, Sr., of Sweetwater, Texas, was called to his reward; and

Whereas, The deceased was a pioneer on the western frontier of Texas, and was a distinguished citizen; and

Whereas, He has served his community, State and Nation with distinction as a tax collector and county judge of Nolan County, and as a member of the House of Representatives in 1895; therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature of Texas, That we recognize the loss this State has sustained in his death, and express its deepest sympathy to his wife, family, and all bereaved by his passing; and be it further

Resolved, That a page in the House Journal be dedicated to his memory and that a copy of this resolution be forwarded to each surviving member of his family, and that a suitable floral offering be sent in the name of the House of Representatives; and be it further

Resolved, That when the House stands adjourned today it do so in honor and in memory of that distinguished man who has passed from our midst, James Henry Beall, Sr.

DAVISON of Fisher.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Aikin, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.